

The Compleat Constable.

Directing

ALL < CON ST A B L E S,
H E A D B O R O U G H S,
T I T H I N G M E N,
C H U R C H W A R D E N S,
O V E R S E E R S of the P O O R,
S U R V E Y O R S of the H i g h w a y s,
and S C A V E N G E R S,

I N T H E

Duty of their severall Offices,
according to the Power allowed
them by the Laws and Statutes

Continued to this present Time, 1692.

Also Directions for the

L O N D O N C O N S T A B L E S

To which is added,

A Treatise of Warrants and Com-
mitments, proper for the Knowledge
of All Constables, &c.

L O N D O N

Printed by the Assigns of *Richard and Edward
Atkins*, Esquires; And are to be sold by
Abel Roper at the *Mitre*, and *Tho. Beaver* at
the *Hand and Star* near *Temple-Bar*, 1692.



TO ALL
OFFICERS

WHOM

This TREATISE may
concern.

SIRS,

THere needs no Apology (I
hope) for Compiling this
Treatise for your Use and
Direction, it being absolutely ne-
cessary to publish New, or Reprint
the Old; so often as the Statutes
(by which the Duty and Work of
Constables, &c. is prepared and
appointed) require it: And for that
there hath been no Edition of this
kind since the Year 1682, tho'
many Acts of Parliament relating
to your Offices have been made

To All Officers.

in the mean time ; This Treatise was therefore upon Request prepared to supply the Defects of the Former, and to be a New Guide for Constables, &c. but finding it would take up more time than was first supposed, and not willing to send it out by Twilight or Naked, We had the Patience to Compleat the Work, and to add so much of all the late Statutes as concern Your several Offices, with many other useful Rules and Observations, and offer them to your View at Clear Day; not doubting, but you will think our Labour well continued, our Rules and Observations very profitable, and our Title most deserving to be,

Your, &c.

**A Compleat GUIDE for
CONSTABLES, &c.**

The

The Newest
GUIDE
FOR
Constables, &c.

C H A P. I.

*Of the Definition of the Title
CONSTABLE; of the several names and kinds of Constables; of their fitness, Oath and Authority.*

BEfore I set down the Duty and Office *The derivation of Constables*, it may be expected *variation of* that I should shew something of *the Constable's* the derivation and antiquity thereof; and *bles Title*. tho' there be some difference about it, yet it is agreed by most, that the word CONSTABLE is compounded of two Saxon words

B

Cuning

Lamb.fo.5.
4 Part of
Cooks Inst.
fo.123.

Cuning and Cyn̄g (signifying a Prince or King) and Stable, or rather Staple, (signifying a Stay or Prop) and so Coning-stable (by contraction Constable) is as much as to say, *The Prop or Stay of the King*. This word is diversly used in the Common Law : As the Constable or Marshal of England, *Stamf. pl. Coron. fo. 65.* which Office is discontinued, and why it is so. See *Dyer fo. 258. num. 39.* The Constable of the Tower, *Stamf. pl. Coron. fo. 152.* 1 *H. 4. ca. 13.* *Stow's Annals p. 812.* The Constable of the Exchequer, 5 1 *H. 3. Stat. 5.* Constable of Dover Castle, *Camb. Brit. p. 239.* *West. 1. ca. 7. Anno 3 Ed. 1.* Constable of the Forest, *Manwood part. prim. ca. 13. Stat. 32 H. 8. ca. 38.*

But the Constables for whose use this Guide is intended, are either Constables of Hundreds, otherwise High-Constables, or Constables of Towns, Burroughs, Parishes, Tithings, &c. called Petty-Constables, Head-burroughs, Tithingmen, &c.

When Constables, &c. were first appointed.

Lamb. 5.
cap. 9.

Rast. 379.
Smith de.
Rep. Angl.
l. 2. c. 25.
Dalton's

Just. of P.
c. 16. fo. 46.

THESE High-Constables (as some say) were first Ordained by the Statute of Winchester, for the oversight of Armour, Watches, High-ways, Hue and Cry, and the like; and afterwarde Petty-Constables for their aid and assistance were appointed.

But others think, that by the ancient Common Law they were Conservators of the Peace within their several Hundred

and Limits. 12 H. 7. fo. 18. *Crom.* 6, &
222.

That the Hundreds were derived out of *See Dalton*,
Counties first, under the Government of She- *as before.*
riffs; but growing too great for their care
were divided into Hundreds, and that in
every Hundred was ordained a Conservator
of the Peace, who was called the *High-See Lamb*.
Constable. That these Hundreds also enlarg- *Duty of*
ing, Burroughs and Towns, or Tithings, *Const. p. 9.*
(that is to say, a *Tenth part*) were appointed,
and within them also was ordained a Con-
servator of the Peace, or Petty-Constable.
Others reckon, That first the Tenth or Tith-
ings were ordered, and after of them were
made up Hundreds, and of these Counties
or Shires; so that there is no part of the
Kingdom that lieth not within some County,
of which Counties or Shires, one with ano-
ther, there are reckon'd in *England XXXVII*,
besides *XII* in *Wale*,.

But to reckon either way it appears, and *High-Con-*
so at this day continues, That *High-Con-*
stables are properly for the whole Hundred,
Rape or Wapentake; and their Power ex-
tends over the whole, which do mostly com-
prehend many Parishes, Tithings, and Vil-
lages.

That Petty-Constables are for particular *Petty-Con-*
Towns and Parishes within the Hundred, *stables.*
and consequently for the aid, ease and assi-
stance of the High-Constables; but their
Authorities are only in such particular
Towns or Parishes: And,

That Borsholders, Tithingmen, Head-
burroughs, &c. are for particular Burroughs,

Hamlets, Villages and Tithings, to which their Authority is limited.

Nota.

And Note, it was the Opinion of the Learned Sir *Francis Bacon*, That tho' the High-Constables Authority hath a more ample Circuit, he did not perceive that the Petty-Constable is subordinate to him, from any Commandment that proceeds from his own Authority: But it was used, That the Warrants and Precepts of the Justices be delivered to the High-Constables, who being few in number, might better attend the Justices; and then the High-Constables by virtue of such Warrants (not their own Authority) make their Precepts over to the Petty-Constables. *Bac. C. T. p. 22, & 30.* And this also seems to be only in some Cases, as where they are summoned to attend the Justices to make their Presentments, and the like.

Nota.

This seems to be the general Method, tho' in some large Parishes and particular Places, there are and may be several Officers called by the several names of *Constable*, *Headburrough*, and the like: And tho' these Inferior Officers be called by several names, yet their Offices in their several Precincts and Places are in effect one and the same the Name being only changed.

Some Distinction between these Officers.

However the Office of a Constable seemeth to be distinct, and of greater Authority than theirs; and some have held, That Headburroughs, Thirdburroughs, Borshoulders, Tithingmen, &c. being appointed in a Town or Parish where is also a Constable, that they cannot principally meddle, because

cause (in comparison of them) the Constables are Head-Officers, and the others but as Assistants to the present Constable; tho' in the Constables absence they are chiefly to attend the service: And that there are many things which the Constable may do, wherein such Headburrroughs, Borshoulders, &c. cannot meddle.

See *Dalton's Justice of Peace*, ca. 1. fo. 34.
Lamb. pag. 46, 9. 51, 52, 53, 54, 55, &c.
 See 1 *Jac.* ca. 7.

And yet in Towns and places where there are no Constables, but only Headburrroughs, Borshoulders, Tithingmen, &c. there their Power and Authority is declared to be equal to the Power of a Constable, and in all such cases and things their Office and Authority are in a manner all one. And he that is sworn the Tithingman, &c. of any place, is in effect (with respect as aforesaid) the Constable of the place: And that when any Staute doth appoint the Constable, or other Inferior Officers to punish Offenders, in such case the Borshoulder, Headburrrough, Tithingman, &c. may do it, they being supposed to be Inferior Officers to the Constables.

Where their Authority is all one and the same.

By the Statute 14 *Car. 2. cap. 12.* it is Ordained, That upon the death or removal of any Constable out of the Parish, any two Justices may elect and swear a new one, to continue till the next Leet or Quarter-Sessions; and then the Steward or Justices to approve of him, or appoint another: And if any such Officer continue in his Office above a Year, the Justices of the

Note.

Peace may discharge him and put in others till the Lord of the Mannor hold a Court.

Nota

In some Cases then the High Constable may and must do more than the Petty Constable, &c. And in some Cases they have equal authority, and in other Cases they are distinct; I shall therefore endeavour to shew, what all Constables either High, or Low, Bursholders, Headburroughs, Tything-men, &c. may and must do; what is their common or equal, and what their special or particular Duty and Authority. But Note, That where it is generally spoken of Constables, there it is also meant as to Headboroughs and Tything-men, &c. and where there is any difference I shall distinguish it.

Nota

*Constables
when and
where to
attend.*

But First, I will speak of the fitness and manner of their Choice, and of the Oath each of them must severally take, for the due Execution of his Office. And observe that part of their Office and Duty consists in the attendance of Court Leets, Justices of the Peace and Coroners, for the executing of their Warrants within their several Precincts; and also to attend upon, aid, and assist, and execute the Warrants of Judges of Assize, at their Assizes and Gaol Delivery; and the Justices of the Peace at their general and special Sessions, and other Meetings, to make Presentment upon Oath of things within their Knowledge, and according to Articles exhibited to them for that purpose; of which more in its place

*Of the Choice and Fitneſſ of Con-
ſtables, and of the Oath to be
taken by them.*

They ought to be men fit for the Ex-Honesty A-
ecution of their Office, and there-bility and
fore to be choſen out of the honeſteſt ableſt *underſtand-*
and moſt underſtanding men, not Feeble *ing requir-*
with old Age, nor otherwiſe Weak, Sick, *red.*
Poor or Impotent, That ſo the Office may
be performed truly and diligently, without
Malice, Affection, or Partiality.

This Office ought not to be put upon the Poverty
Poorer ſort, for they are uſually moſt Ig- and Igno-
norant and Fearful, and leſs able to attend *rance to be*
this Office; their Neceſſary requiring them *avoided.*
to mind their own Trade and Imployment :
And 'tis to be underſtood, That Conſtables *Bac. p. 25.*
have no allowance, but are bound to per-
form their Office *gratis.*

Such who in reſpect of ſome other Offi- *Some Pro-*
ces, Callings, or Profeſſions; as Clergy- *feſſors ex-*
men, Sheriffs, Lawyers, Attorneys, Phy- *emptd and*
ſicians, and ſuch like, are preſumed to be *to be excuſe-*
otherways ſo much employed, as not to be *ed.*
at leiſure to attend upon this Office, ſo
much as is required, and therefore not to
be Choſen.

Alſo Women, whether Maids or Wi- *Women Ide-*
dows, ought not to be choſen; neither *ots and In-*
Mad-men, or Ideots, nor Infants under 21 *fanſts.*
Years of age, nor old Men above Se-
venty.

1 Cro. fo.
283.

Therefore it is not a good Custom generally, that this Office should go, by tenure of Houses, for so it may fall upon a Woman, (which is not sufferable) but it may be a good Custom, That every man sufficiently qualified, shall serve or find one to do it.

In what respect they are chosen.

These Officers are to be chosen in respect of their Habitation or Residency, and not in respect of their Lands; for a Man may have Lands out of the Hundred, Parish or Tything, &c. But he ought to serve only in the place where he lives.

High-Constables when and where chose and sworn.

Dalton. ca.
16. fo. 46.
Lamb. Just.
190.

The High-Constables are usually chosen and Sworn at the Quarter Sessions of the Peace for that County, But they may be either Chosen or Sworn out of the Sessions, and if they be chosen out, it must be by the greater number of Justices of that Division where they Dwell, and in the like manner also they may be Removed.

And Note, that two Justices of the Peace, the one being of the *Quorum*, may appoint the High-Constables for *Wales*, by the *Stat. 34. H. 8. ca. 26.*

Petty Constables when and where,

The Petty-Constables are most commonly Chosen and Sworn in the Court-Lcet, and sometimes by the Justices of Peace at their Quarter Sessions *Dalton Just. fo. 47. 48. 336.* So that High-Constables are by appointment of the Justices, and Petty-Constables elected by the People, unless in some Cases as is after set down.

If Constables lawfully Qualified and Chosen, shall refuse to be Sworn, the Justices of Peace may bind him over to the
Assizes

Assises or Sessions, and he may be there Indicted, Fined, and if he be chosen in a Leet and refuse, he may be fined in that Leet for his Contempt, *Dalton* 47. 1 *Cro.* 409.

As one lawfully qualified and chosen *Refusing to* may not refuse, so if one that is not right-*serve.* ly qualified and inabled, may refuse, (if he be chosen,) and shall be discharged by Law, and another may be appointed in his place. *Dalton* 7. P. fo. 322.

And it is said to be a Forfeiture of the *Removal of* Leet, where the Leet chooses unable or *unfit Per* sons. unfit Constables, and their choice is void, and upon Complaint made to two Justices of the Peace, they may remove such un- 3 *Co.* 42. fit and unable Person and choose and *Steels Rep.* Swear some other. 1 *Bul.* 174. *Dalt.ca.* 16. fo. 21. fo. 47.

But in other Cases its said the Justices are not to meddle either in Sessions or out of Sessions. But leave it to the Custom of the Court Leet. *Stiles Rep.* 362.

Note also by the better opinion it is held, That the Constable of a Hundred or Parish, may not make a Deputy for the exempting of his whole Office; but he may depure one, to do many things under him, and in his Name, that relate to his Office, yet so that the Constable shall be responsible and answer for what's amiss, &c. *Constables Deputy.* 3 *Bulst.* 77. 78.

Yet sometimes one chosen, hath named a fit Person for his Deputy, who upon his acceptance hath been Sworn, and in this case its said the Deputy shall answer for

self. 1 Cro. 409. *Crawley's Case.*

Protestant By an Act 24 Maii, primo *Willielmi &*
Dissenters Mariae, That if any Protestant Dissenter
being chosen from the Church of England, shall then
Constables, after be chosen High-Constable, Petty-Con-
etc. may stable, Churchwarden, Overseer of the Poor,
make a or to any other Parochial or Ward Office;
Deputy. and shall scruple to take the Office upon
 him in regard of the Oaths, or any
 other Matter to be done in respect of such
 Office, such person may execute the said
 Office by a sufficient Deputy by him to be
 provided, who shall comply with the Laws
 on this behalf. Provided such Deputy be
 approved and allowed of in such manner, as
 the Principal should have by Law been
 allowed and approved.

After the Constable, Headburrough, or
 Tithingman is chosen, he must take an Oath
 for the due execution of his Office. The
 Form whereof is as followeth.

The Form of the Constables Oath:

The Oath **Y**ou shall well and truly serve our So-
at length. *vereign Lord and Lady the King and*
**When the* *Queen ** in the Office of a Constable, and
Constable shall see the King and Queens peace to be
is Sworn in well and truly kept to the utmost of your
a Leet, then power. You shall Arrest all such persons as in
are added your presence shall ride or go armed offen-
these words sively, or shall commit or make any Riot,
 [And the Affray, or other breach of the Peace. You
 Lord of the shall do your best endeavour (upon complaint
 Manner] to you made) to apprehend all Felons, Barri-
 tors, or Risors, or persons riotously assem-
 bled,

bled, and persons making Affrays; and if any such Offenders shall make resistance with force, you shall levy Hue and Cry, and pursue them until they be taken. You shall do your best endeavour that the Watch in your Town be duly kept, and that Hue and Cry be duly pursued according to the Statutes; and that the Statute made for punishment of Rogues, Vagabonds, and Night-Walkers, and such other idle and wandring Persons coming within your Liberties be duly put in execution. You shall have a watchful Eye to such persons as shall maintain or keep any Common House or place, where any unlawful Games or Plays are or shall be used; as also to such persons as shall frequent or use such places, or shall exercise or use any unlawful Games or Plays there, or elsewhere, contrary to the Statute. At your Assizes, Sessions, or Leet, you shall present all and every the Offences committed or done contrary to the Statutes made and provided for the restraint of inordinate haunting and tipling in Taverns, Inns, and Alehouses; and for repressing of Drunkenness and profane Swearing. You shall true presentment make of all Blood shedding, Affrays, Outcries, Rescues, and other Offences committed or done against the publick Peace within your Limits. You shall well and truly execute all Precepts and Warrants to you directed from the Justices of Peace, and others in Authority in this County. And you shall well and truly, according to your knowledge, power and ability, do and execute all other things belonging to the Office of a Constable, so long

long as you shall continue in the said Office.

So help you God.

Note, that it has ben part of this Oath, to see the maintaining of Archery ; but this seems to be out of use.

The Oath is many times contracted in Form, and administred briefly, thus :

*The Oath
in short.*

You shall swear, That you shall well and truly execute the Office of Constable [or of a Tithing man, &c.] for the Town [or for the Parish or Tithing, &c.] of A. for the next Year [or for half a Year, as the time is to be] and until another be sworn in your room, or you shall be legally discharged thereof.

So help you God, &c.

C H A P.

C H A P. II.

*Of the several Duties incumbent
on all Constables after they are
Sworn, according to the particu-
lar Branches of their Oath.*

BY the Form of the Constables Oath *The Heads* it appears, that he is sworn to some *of the Oath.* things in general, and to others in particular.

1. In general, to serve the King and Queen [and if in a Leet, the Lord of the Mannor] in the Office of a Constable: This extends to his whole Office.

2. In particular, to see the King and Queens Peace to be kept and preserved.

3. To arrest such persons as shall in their presence ride or go offensively Arm'd, or commit any Riot or Affray, &c.

4 Upon Complaint, to apprehend all Felons, Barretors, Rioters, &c. and upon resistance to levy Hue and Cry, and pursue them.

5. To see the Watch be duly kept in the Town.

6. To see that the Statute for punishment of Rogues, Vagabonds, Idle persons, and Night-Walkers be duly put in execution.

7. To have a watchful Eye upon persons keeping unlawful Gaming-houses, and such as frequent the same, and use any unlawful Games and Plays there, or elsewhere.

8. At the Affizes, Sessions, or Leet, to present the Offences of Tipling, Drunkenness, and profane Swearing; against which the Statutes have provided,

9. To present all Bloodshedding, Affrays, Outcries, Rescues, &c.

10. To execute truly all Precepts and Warrants to them directed from the Justices and others in Authority.

The rest is in general, to do and execute all other things belonging to the Office of a Constable, to the best of his power, knowledge, and ability; and this again extends to his whole Office.

Particulars of the Oath first treated of. I will first treat of these things which are particularized in his Oath, and next endeavour to shew all such other things as belong to his Office.

Note, that the Statute of 25 Car.2.ca.2. which appoints Officers and others to take the Oaths of Allegiance and Supremacy, &c. doth not extend to High-Constables, Petty-Constables, Headburroughs, or Tithingmen; nor to Churchwardens, Overseers of the Poor, or the like inferior Civil Officers.

Composition of the Office in 2 parts. This Office of Constable, &c. seems to be made up of two parts; the one derived from the ancient Common Law of the Nation, the

*Ex Officio.
Warrant.*

other from divers Statutes and Acts of Parliament: His Authority also is several, in some things acting of himself, without any command from others, and this is said to be *ex Officio*; and in other things not to act without a Commandment, Warrant, or Precept from another person.

It is in his power , by the virtue of his Office, to preserve their Majesties Peace :

1. In foreseeing and preventing that nothing be done that directly will, or probably may, be an occasion of the breach thereof.

2. In quieting such as are actually breaking the same.

3. In punishing such as have already broke the Peace.

First, For the preventing the reach of Preventing the Peace, he ex Officio, without a Warrant and pre- from a Justice, by Night or by Day may serving the Arrest suspected persons, Strangers, and Peace, ex others, that walk in the Night and sleep in Officio. the Day. He may stop all such persons as go or ride unlawfully Arm'd, and take their Arms from them and commit them to Prison; and if he be inform'd of such as haunt Bawdy-Houses, or other suspicious Places, or of any lewd Man and Woman that are together, and about to be incontinent and lewd, he may take assistance with him and Arrest them. 13, Ed. 1. 4. Crompt. 6. 12 H. 7. 18. Fitz. Just. 200.

If any be about to make an Assault or Affray, the Constable may in the King's Name command them, to forbear and depart on pain of Imprisonment. *Dalt. fo. 33.* And this he ought to do, or he may be Fined for his neglect, if it be presented by the Inquest at the Sessions of the Peace. *Crompt. 146.* Tho' some say, If he be sent for to keep the Peace, and will not come, he shall not be Fined : But *Quare.*

If

To put the
Affrayers
in Stocks,
&c.

If they will not surcease, but still threaten to beat, hurt, or kill one another, and fly into fury and passion, he may commit the Offenders to the Stocks, or in other safe Custody, until such time as he can carry them before some Justice of the Peace, to find Sureties for their Behaviour. *Dalt.* ca. 1. fo. 4, 5. 118, 340. 3 H. 4. 9, 10. But if there be nothing but Words, it seems the Constable may not lay hands on them. *Dalton* 34, 158.

He may re-
quire Assi-
stance.

Secondly, If they draw Weapons, or give Blows, the Constable may command others to assist him; and if the Affrayers make resistance against him, he may justify the beating or wounding of them, and setting them in the Stocks; and it shall be murder in the Affrayers, if they kill the Constable, or any that assist him: And if any person be dangerously hurt in the Affray, the

* *Note, that* Constable * may arrest the Offender, and in such case carry him to a Justice of Peace, who is any other either to Bail him, or Commit him to Prison, until it be known whether the Party arrest the hurt will live or die. 4 Co. 4. 9 Co. 66. Offender. *Lamb.* 135. *Dalt.* 33.

Affray upon
the Constable.

If an Affray or Assault be made upon the Constable, he may defend himself, and put the parties in the Stocks, till he can carry them to a Justice of Peace, or to the Gaol; and he may call others to assist him to do this, who may justify the doing of it. *Dalton* 35. *Kitch.* 69.

If a Constable, or any of his Assistants *Hurting the* shall be hurt in an Affray, they may have *Constable or* good remedy; but if the Affrayers be hurt in *his Affi-* resistance, they shall have no remedy against *stants.* them. *Lamb.* 141, 142. 21 *H.* 7. 21.


Thirdly, After an Affray or breach of *Warrant,* the Peace be over, it is said, That the Con- *where re-* stable, without a Warrant, cannot arrest the *quisite.* Affrayers, except some person be dangerously hurt, as he may before or during the Affray. 38 *H.* 8. 6. But *quare.*

For its said, That if the Affrayers, when *Pursuit of* they see the Constable come to arrest them, *Affrayer.* shall fly into a House (by which it seems the Affray is over,) the Officer may in fresh pursuit of them, *ex Officio*, break open the Doors and apprehend them; and if they fly into any Franchise within the County, he may follow and take them: nay, though they fly into another County, yet he may pursue them, and cause them to be taken there; but then in this last case, out of the County, he can meddle no further, but only as Assistant to the Constable there, to carry them before some Justice to cause them to find Sureties, and so much every private man may do. *Dalton* 28, 29, 33, 34. *Lamb.* 135, 143, 144. *Crompt.* 146.

And it is also said, That if an Affray *Affray in a* be in a House, and the Doors are shut, *House, and* and tho' none of the Parties have taken *the Doors* any hurt; yet the Constable may *ex Officio* break into the House, to see the Peace *shut.* kept. See *Dalton* ca. 8. fo. 33, 34. and *Lamb.* 135. It

It has been held, That the Constable might *Ex Officio*, take Sureties for the Peace, *Trin. 35. Eliz. Skarrets Case*: But it was then the opinion of others that he ought to carry the Offender before a Justice, and this is the usual and safest way. And 'tis held, that though a Constable may do what he can to keep the Peace; yet he cannot at the request of any man, take surety of the Peace. *Crompt. 6. 12 H. 7. fo. 18. a. 3 H. 4. 9, 10. Kitchin fo. 69. a. Dalton fo. 4. 5.*

*Arresting
persons of-
fensively
arm'd.*

 Secondly, For the arresting such Persons as Ride or go Offensively Arm'd, you must observe, That if any Person shall Ride or go Armed offensively, before their Majesties Justices, or any other their Officers or Ministers, in the time of executing their Office, or in Fairs or Markets or elsewhere, by Day or by Night, in affray of their Majesties Subjects, and breach of the Peace; or wear or carry any Daggers, Guns, or Pistols Charged; The Constable upon sight thereof, may seize and take away their Armour and Weapons, and have them apprized as forfeited to their Majesties; and may also carry the Persons wearing them before a Justice to give Surety to keep the Peace. *2 Ed. 3. ca. 3. 7 R. 2. 13. 20. R. 2. c. 1. Dalton Just. ca. 9. fo. 35. and 159.*

*Who may be
arm'd and
when.*

But their Majesties Servants in their presence, Sheriffs and their Officers, and other their Majesties Ministers, and such as assist them to execute their Office; and all

Per]

Persons pursuing Hue and Cry, in case of Felony and other Offences against the Peace, have lawful Authority to bear Armour or Weapons, *Dalt. ca. 9. fo. 36. 5 Co. fo. 72. 3 Co. Inst. fo. 162.*

The Constables have further Authority to search for Arms; but this is by Warrant; of which more hereafter.

As to Riots, Routs, &c. Note, That She-Suppressing riots, Constables and all other their Majesties of Riots, Officers, shall suppress Rioters and imprison them, and all other Offenders against the Peace, *17 R. 2. ch. 8.*

All their Majesties Leige people upon warning, shall be assistant to the Justices, Commissioners, Sheriff and Undersheriff, upon pain of Imprisonment, and to make Fine and Ransom to their Majesties, *Stat. 2 H. 5. 8. Dalton 7. P. ca. 46. fo. 114.*

It is to be Noted, That when three or more Persons do assemble themselves together, to and with the intent to beat or mayhem a Man, to pull down a House, Wall, Pales, Hedge, or Ditch, wrongfully, to claim or take Common, or a way in a Ground; to destroy any Park, Warren, Dove-house, Pond, Pool, Barn, Mill, or Stack of Corn, or to do any other unlawful act, with force and Violence, and against the Peace, and in manifest terror of the people; and if they only meet to such a purpose or intent, although they shall after depart on their own accord without acting any thing: Yet this is an unlawful assembly: And if after such meeting as aforesaid, they move forward towards the

What may be called a Riot, Rout, or unlawful assembly.

execu-

execution of their intent, though they put it not in execution, yet it is a Rout ; and if they do put their intent in execution, and do any such thing indeed, Then 'tis called a Riot.

And if three 4 or more do enter into Lands with force , upon the Possession of another, though their Entry be lawful, yet its a Riot, because 'tis prohibited by the Stat. to enter into Lands and Tenements with force, or a multitude of People. 5 R. 2. 7. 15 R. 2. 2. &c. *Crompt*, 68. *Dalt.* fo. 57. 8. *Lambert* 179, 181. 3 of *d pt.* and *Instis.* fo. 176.

And if any Constable, or any private Person of the same County, do refuse to attend and assist the Justices of Peace upon Request, to remove a Force, or to convey the Parties to the Gaol, he may be Imprisoned for his Neglect, and make Fine to their Majesties. 15 R. 2. ca. 2. *Dalt.* ca. 22. fo. 57.

How they depend one on another. If therefore 3 or more meet with an evil intent to act, 'tis an unlawful Assembly ; if they continue and move forward, 'tis a Rout ; and if thereupon they commit any mischief, 'tis a Riot.

Exception. Yet its said there may be a Rout, where there was no unlawful assembly or evil intent, as in the case of a Man's going or Riding to the Sessions, Market, Fair, or other assembly of company with his Servants in Harness, though he hath no intent to Fight or commit any Riot, Yet this is a Rout, by the manner of his coming, for the Stat. saith, That no man shall bring

bring any Force in affray of the Peace, Nor shall go armed in Fairs, Markets, or elsewhere, upon pain of Imprisonment and forfeiture of his Arms. *Stat.2. Ed.3.3.*

And all these 3 both *Riot Rout* and *Un-Punishment lawful Assembly*, are punishable and fine-*thereof*. able to their Majesties.

And these things are to be observed as *Observati-* to all, That the unlawful Assembly and *ons concern-* Rout, must be of 3 Persons or more, *as ing Riots*, must also a Riot, which is the most danger-*&c.* ous of all 3, and consequently most to be punished. *Stat.13. H.4.7. Dyer 210.*

That an Assembly of 3 persons or more, *3 Persons.* which is not to the terror of the People, nor to do some act with Force and Violence against the Peace, is not unlawful nor prohibited by any of the Statutes.

So its said, that the Assemblies, that be *May-Games and Sports.* used upon *May-day*, to fetch in *May-boughs* or Flowers, so assemblies at Church-ales, *Whitson* or *Midsummer-ales*, so assemblies at the fetching home, setting up, or Dancing about a Maypole, so the assemblies at the Bating of a Bull or Bear, or at the moving or making of Dole or Revel-Mead, so the assemblies of Minstrels and their Fellows at certain places and times allowed by old and ancient Customs, are not unlawful, See *Poulton de pac. Regis & Regne Tit.* *Riot, &c.*

But notwithstanding such Companies *Sports may* become *Ri-* may fall into Riot by quarreling and tak-*ots.* ing of parts, and such Siders and partakers to the Quarrels shall be adjudged Rioters but not the Residue. *22 H.6.37.*

The

Apprehending of Felons.

¶ Thirdly, The Constables are sworn upon Complaint, to use their best endeavour to apprehend all Felons, Barretors, &c. and upon resistance to levy Hue and Cry, and pursue them, &c.

Felons, what.

The Law accounts any Offence *Felony*, that is in degree next unto *Petit Treason*, and compriseth divers particulars under it: As *Murther*, *Theft*, *Sodomy*, *Rape*, *Wilful burning of Houses*, and the like; also *Robbery*, which is a Felonious taking away of any mans Goods from his person, or presence, against his will, putting him in fear, and of purpose to steal the same Goods: And this is sometimes call'd *Violent Theft*, which is Felony for Two pence. *West. Sect. 60. tit. Indictments, Crompt. p. 32. 4 Co. 124. b.*

Therefore such as commit such Felonies be called *Felons*.

Barretor, what.

Barretors are Deceivers, and common Wranglers, that set men at odds, and are themselves never quiet. *Lamb. Eir. p. 342.* saith, a Barretor is a vile *Knave* or *Unchrist*.

Notice of Felons given to the Constable.

If Felons and Murderers be in a Town or Village, and the Constable, Headborough, &c. have Notice of them, it is their Duty *ex Officio*, to gather Men together and apprehend them. And if any Felon be taken, it is the Constables Office to see him conveyed to Gaol. And if any man will lay Murther or Felony to anothers charge, he may declare it to the Constable;

stable ; and the Constable ought upon such Declaration, or Complaint, to carry him before a Justice ; and if by common Voice or Fame any man be suspected with cause, the Constable of duty ought to arrest him, and bring him before a Justice to be examined. *Fitz. Just. P. 201. 1 R. 3. 3. Lamb. 17.*

If any House be suspected for receiving *Constables* or harbouring of any Felon, the *Con-search*, stable, upon Complaint or common Fame, may search both for the Felon and Goods stolen. And so its said any other man, as well as an Officer, may arrest and keep in hold such a man, as he doth know to have committed any Felony. *Dalton 289.*

If any fly upon a Felony, the *Con-Constable* stable ought to raise Hue and Cry to take ^{to raise} him, and in the mean time to seize his *Hue and* Goods, and to Inventory them in the *Cry*. presence of honest Neighbours, for his Goods and Chattels are forfeited, if he be guilty ; and in some cases his Lands too, *Fitz. J. P. 201.*

Hue and Cry signifieth, the pursuit of *Hue and* one having committed Felony by the *High-Cry*, *what*. way ; and if the party robb'd, or any in the company of one murdered or robb'd, come to the Constable of the next Town, and will him to raise Hue and Cry, or to make pursuit after the Offender, describing the Party, and shewing (as near as he can) which way he is gone ; the Constable ought forthwith to call upon the Parish for Aid, in seeking the Felon :
And

*Warning
for fresh
Suit.*

And if he be not found there, then to give the next Constable warning, and he the next, until the Offender be apprehended, or at the least until he be thus pursued to the Sea-side. *Bract. l. 3. tract. 2. ca. 5. Smith de Repub. lib. 2. cap. 20. Stat. 13 Ed. 1. cap. 3. 28 Ed. 3. cap. 11. 27 Eliz. ca. 13. Crompt. 160. b.*

Search.

The Constables and Officers of every Town, to which Hue and Cry shall come, ought to search in all suspected Houses and Places within their limits: And as well the Officers, as all other persons which shall pursue the Hue and Cry, may attach and stay all such persons, as in their search and pursuit they shall find to be suspicious, and thereupon shall carry them before some Justice of Peace of the County where they are taken, to be examined where they were at the time of the Felony committed; and if any default be in the Officers, they may be fined by the Justices for their neglect. *Dalt. cap. 28. fo. 75.*

*Suspected
persons.*

Nota.

No Hue and Cry shall be deemed legal, unless the pursuit be both by Horse and Foot. *27 Eliz. 13.*

*Hundred
Fin'd, for
not making
Fresh suit.*

And the Hundred where fresh Suit shall cease, in case of Robbery, shall answer half the Damages to the Hundred wherein the Felony shall be committed, to be recovered in any Court at *Westminster* in the Name of the Clerk of the Peace of the County wherein the Felony was committed; and here the death or change of the

the Clerk of the Peace shall not abate the Suit.

When in this case Damages are recovered against any one, or some few Inhabitants of the Hundred, and the same refuse to contribute thereunto, two Justices of the Peace (one being of the *Quorum*) dwelling within or near the same Hundred, shall for the levying thereof set a Tax upon every Parish within that Hundred, according to which the Constables and Headburrroughs of every Town, shall tax the particular Inhabitants, and levy the Money upon them by distress and sale of Goods, and deliver the Money levied to the said Justices, or one of them, and restoring the Overplus to the party distrain'd.

17 Eliz. 13.

And note, That no Hundred shall be chargeable when any one of the Malefactors shall be apprehended; or when the

Action is not prosecuted within one year after the Robbery committed. 17 Eliz. 13.

Concerning Escapes, &c.

THE voluntary letting of a Felon to Escape, before he be arrested for the Felony, is no Felony in the Party that suffereth him to Escape: But if the Constable suffers one to Escape, when he knows he hath committed a Felony; in such case he may be indicted and fined for suffering the Escape.

C

And

*Voluntary
Escape
made Fe-
lony.*

And its said, That if the Felon be under arrest of the Constable, or any other, for Felony or Suspicion thereof, and the Constable or other person, who so hath him a Prisoner, voluntarily lets or suffers the Felon to go at liberty where he will; this is Felony in the Gaoler, Constable or other person that so letteth him Escape; but it is no Felony in the Prisoner, because he broke not the Prison.

*Negligent
Escape.*

But if such a Prisoner shall Escape by the negligence of his Keeper, and against his Will and knowledge, then it is Felony in the Prisoner, because a breach of Prison; and the Gaoler, Constable, &c. may be Fined by the Judges or Justices for such Escape. *Stamf.* 32, 44. *Dalton*, fo. 272. *Bro. Escape* 31. *Dyer* 99.

*Felon de-
troys him-
self.*

If a Constable, or other Officer, voluntarily suffer a Thief to kill, hang, or drown himself; this is said to be an Escape and Felony in the Constable: But if this be done unawares to the Constable, and without his consent, then is such an Escape but negligent, and fineable. And note, that such a Thief so killing or drowning himself, is said to be *Felo de se*, in reference to the destroying himself, *Dalton* fo. 272.

*Constable
fined.*

*Where the
Constable
may dis-
charge the
Prisoner.*

If a man be arrested only on suspicion of Felony, and it appear afterwards there was no such Felony committed, then may the Constable or Officer discharge the Prisoner; and it is no Escape where there

there was no Felony. But on the contrary, if one be arrested upon Suspicion, and there is really a Felony committed; and though after the Arrest the Officer is satisfied, that the Party arrested is not guilty: Yet he cannot discharge him, but he must be set at Liberty by due course of Law; for otherwise it will be a voluntary Escape and Felony, or at least fineable: *Dalton*, fo. 275. *Crompton*. 40.

If a Private person (as he may) in many *Arrests* cases arrest a nother; as in case of a dangerous *made by* Affray, Suspicion, or knowing one to have *Private* committed Felony, or one that is *appa-* persons. *rently* about to commit a Felony, or one that hath dangerously Wounded another, or Night-Walkers that are dangerously suspicious, &c. He ought to carry and deliver the Prisoner to a Constable, Head-burrough, or Tithingman, &c. and they *charged* are bound to secure the Party arrested. *Dalton* fo. 338. 20 *Ed.* 4. 6.

And note, That where a Constable or *Prisoner* Officer shall imprison any Felon in the *Pinion'd* Stocks, he may lock the Stocks, and may *and Fet-* also (if he see need) put Irons on the *ter'd* Prisoner: And when he is about to convey him to the Justice or Gaol, he may *Pinion* him, or otherwise to secure him, that he cannot Escape. *Dalton* fo. 342.

And when the Constable carries any *How the* such Felon, or suspected Felon, to the Gaol, *Constable* the Gaoler is obliged to receive him: But *may deli-* if he refuses, then the Officer may either *ver up the* keep the Prisoner in his own House, or *Prisoner.*

carry him back to the Town where he was taken; and the Town in the last case, its said, shall be charged with the keeping of him until the next Gaol-delivery, where (upon Complaint against the Gaoler) they will punish him for his Refusal. *Dalt.* 340, 341. 10 H.4. & 4 Ed. 3. ca. 10. *Poulton*, Prison. 6.

But it may be the best and safest way to carry him to a Justice, if conveniently it may be done.

*Felon taken
in another
County.*

In case where a Justice of Peace, Constable, or other Officer, comes to a Felon to arrest him, and he perceiving it flies into another County before he can be taken, and he is there taken; in such case the Felon must be carried before some Justice of the Peace of that County where he is taken, and must be committed to the Gaol of that County, altho^e the Felony was committed in another County. *Dalton* fo. 340. *Bro. Impri.* 25.



Fourthly, To see the Watch be duly kept in the Town, &c.

Watch; in what time of the year. The Constables &c. of every Town, are to cause Night-Watch to be kept from *Ascension-day* till *Michaelmass*, from Sun-set until Sun-rising; *viz.* in a City with Six men at every Gate; in a Burrough with Twelve men; and in every Town with Six or Four men, according to the number of the Inhabitants there. If any Stranger pass by them, he shall be arrested

rested until the Morning, when (if they have no suspicion of him) they shall let him go quit; but if otherwise, they shall deliver him to be safely kept, &c. And here if any will not obey the Arrest, they shall levy Hue and Cry upon him; and for such Arrest of a Stranger, none shall be punished. *Stat. Winchester, cap. 4. 13 Edw. 1.*

1. These Watchmen should be of able Body, and sufficiently Armed.

*Watchmen,
how to be
qualified.*

2. No man is compellable to Watch, except he be an Inhabitant within the same Town, &c.

3. That such as are Inhabitants within the Town, are not compellable to Watch at the Will of the Constable, but only when their Turn cometh; unless it is the use and custom of the Place, to do otherwise.

*Their Or-
der.*

4. If such as ought to Watch, refuse upon command of the Constable, the Constable may complain of him to a Justice of Peace, who may bind him over to his Good Behaviour, and to answer at the Quarter-Sessions; or the Constable may present him at the Assize or Sessions of the Peace: And some have held, that he may set the Party in the Stocks for his Contempt. But this seems rather to be, when the Party (or some for him) appears, and yet will not be orderly, as the Constable sees fit. *Dalton fo. 141.*


*Refusal to
Watch.*

Watchmen's Duty. These Watchmen are to apprehend all Rogues and Vagabonds, Night walkers, Eves-droppers, Scouts, and the like, and such as go Arm'd.

Their Examining of Passengers. And though it be said, That if a Stranger pass by them, he shall be arrested until the Morning: The use and custom is for Watchmen to examin them; and if they find cause of suspicion in them, then they may keep them till the Morning: If not, suffer him to pass; and whether they be Horsemen, or Footmen, or Drivers of Cattle, or the like; or that shall carry any Burthen on Horseback; the Watch may stay them till the Morning, to justify themselves, unless they can render a good account, both of themselves, their Company and Carriage; and if any Post come by them, 'tis good to know what number they have, lest Offenders shelter themselves, and slip away under their Convoy. Dalton, fo. 140, 292.

Nota, and Quare. And Note, That the Constables, &c. are to be aiding and assisting to these Watchmen on all occasion: But yet methinks there is no reason that the Constables should (as some do) think, that their Word is an unalterable Law, and that if a Person be taken in the Night on their Watch, and they once give order for the carrying him to the Counter, &c. that they cannot upon his Submission, or proof of being a Civil person, call him back or discharge him. For in the Case of an Affray, after the Affray is over, the Constable may set

set the Affrayer at Liberty again, on his own head : Therefore more reasonably he may in this Case, though in the case of Felony or Suspicion thereof he cannot do it, as is aforesaid.

 Fifthly, That the Statutes made for Punishing Rogues, Vagabonds, Night-walkers, and such other idle persons be duly put in Execution.

This is a large Branch of the Constables Office, and herein two things are to be known.

1. What a Rogue is, and who is to be accounted a Vagabond, &c.

2. What is to be done unto them.

Note therefore, That all persons (being *Who are* above the age of 7 years) Man or Wo. accounted man, single or married, That wander from Rogues. their usual place of abode, every where Begging, or if they do not Beg, if they Wander and Loiter abroad, without a lawful Passport, and give no good account of || *Rogues Vagabonds and* their Travel, are accounted Rogues

But || these following are of a higher degree, *sturdy Beggers.* and are to be accounted as Rogues, *gars.* Vagabonds, and sturdy Beggars. **Tis Felony without*

1. *Viz.* All Scholars and Seafaring-Clergy for men that Beg. *Gypsies to remain a-*

2. * Wandring Persons using unlawful *bove a* Games, subtle Crafts, or Plays, or pre-Menth in tending themselves to have skill in telling England

Fortunes, by the marks or figures in the Hands or Face, or by casting of Figures, all counterfeited Egyptians (or Gypsies) not being Felons.

3. All Juglers (or slight of hand Artists, pretending to do Wonders, by virtue of Hocus Pocus, the powder of Pimper le Pimp, or the like) Tinkers, Pedlers, petty Chapmen, Glass-men, especially if they be not well known or have a sufficient Testimonial.

*Proctors in
this Sense
are Gatherers.*

4. All Proctors, Patent-Gatherers, (except for Fire) Collectors for Gaols, Prisoners, or Hospitals, wandering abroad, Fencers, Bearwards, common Players of Enterludes, and Fiddlers, or Minstrels wandering abroad.

5. Persons delivered out of Gaols, who beg their Fees, or otherwise do Travel Begging; such as go to and from the Baths, and do not pursue their Licence; Souldiers and Mariners, that Beg and counterfeited Certificates from their Commanders.

6. All Labourers which wander abroad out of their respective Parishes, and refuse to Work for Wages reasonably taxed, having no Livelyhood otherwise to maintain themselves, and such as go with general Passports not directed from Parish to Parish.

And

And note also, That all Servants departing out of their Service, that is to say, out of one City, Town or Parish, to serve in another, having no such Testimonial as the Statute requires, or producing a false one, are to be punished as Vagabonds.

And so are such persons as are sick of the Plague, or infected therewith, and wilfully go abroad in Company, against the command of Officers.

For all these things see, *Stat. 29. Eliz. ca. 4. & ca. 17. 1 Jac. ca. 7. 21 Jac. ca. 28. Dalt. ca. 24. Poult. Vag. 2. & 7. Resoluc. Judic. 13, 15.*

Next observe, That Constables, &c. are *The Constables, &c.* are to use their best endeavours to apprehend all such Vagabonds, Rogues, or sturdy Beggars, which shall be found and taken Wandring or Begging within their respective Precincts under the forfeiture of 10 s. for every neglect.

The same forfeiture is by such private persons as shall not apprehend Rogues, &c. being at their Doors. And if any person bring a Rogue or Beggar to one of these Officers, he is obliged to receive him and punish him according to Law, or he forfeits 20 s. to be leyyed by Warrant from 2 Justices. *Stat. 39. Eliz. ca. 4. 1 Jac. ca. 7.*

The Punishment is after this manner.

*Rogues, Vagabonds,
&c. how to
be punish'd.*

THe Constable, Headburrough, or Tythingman assisted by the Minister and one other of the Parish, is to see (or do it himself,) That such Rogues and Vagabonds, &c. be stript Naked from the middle upwards, and openly whipped till their Body be bloody, and then forthwith to be sent away from Constable to Constable the next straight way to the place of their Birth; and if that cannot be known, then to the place where they last Dwelt, by the space of one whole Year before the time of such their Punishment; and if that cannot be known, then to the Town through which they last passed unpunished; and if it cannot be there discovered, where they were Born, or last Dwelt as aforesaid, then are they by that Constable, or rather from Constable to Constable to be conveyed to the House of Correction, or common Gaol of the County, to be imployed in Work, or put in some Service, and to be therein continued by the space of one Year: But if they be not of able Body to Work, then that last Town is to keep them till they can be placed in some Almshouse within the same County. 39. Eliz. ca. 4. 2. Bul. 258. Resoluc. Judic. Sect. 714.

Note,

Note, none are to be sent to the place of their Birth or last Habitation, but wandering Rogues: For those that Beg in their own Parishes or High ways, without the appointment of the Overseers, are to be sent to the House of Correction.

Observe further, That after such *Va-Rogues and gabonds* is whipt as aforesaid, he is to *Vagabonds*, have a Testimonial under the Hand and &c. must Seal of the Constable or Tything-man, (&c.) have a Testimonial, and the Minister, testifying the day and place of his Punishment; as also the place to which he is to be conveyed, and the time limited for his passage thither: And if by his own default he exceed that time, then he is again to be whipped, and so from time to time till he arrive at the place limited: The substance of the Testimonial is to be Registred by the Minister, in a Book which he is to keep for that purpose, on pain of five shillings for every Default. *Dalt. fo. 129.*

The Form of the Testimonial
it self, may be in this manner, viz.

Lawrence Lazy, a *Sturdy Vagrant Beggar*, aged about *Forty Years*, of middle Stature, brown-haired, and round Visaged, was this six and twentieth day of October, in the Third Year of the Reign of our Gracious Sovereigns Lord and Lady William and Mary of England, &c.
King

The Form
of the Testimonial.

King and Queen, openly whipt in the Parish of S. Giles in the Fields, in the County of Middlesex, according to Law, for a wandering Rogue, and is assigned to pass forthwith from Parish to Parish by the Officers thereof, the next straight way to Hard-work, in the County of O —, where he confesseth he was Born, [or Dwelt last by one whole Year, if the place of his Birth cannot be discovered, &c.] and he is limited to be at Hard-work as aforesaid, within Twelve days now next ensuing, at his peril. Given under the Hands and Seals of A. B. Minister of the Parish of S. Giles aforesaid, and C. D. Constable of the said Parish.

Forfeitures of such as shall disturb or hinder the punishment of Rogues, &c. And note, That such person as shall in any wise disturb or hinder the execution of this Law, concerning the punishment of Rogues, &c. shall forfeit 5 l. to be levied by Distress; and bound to the good Behaviour, by two Justices, one to be of the Quorum. Stat. 39. Eliz. ca. 4. after Confession or Proof of two Witnesses, Dalt. fo. 149.

Forfeiture of the Constable for not receiving and conveying from Parish to Parish. And it is said to have been resolved by the Judges at Westminster, soon after the making of this Stat. That where a Rogue is to be conveyed from Constable to Constable, the next straight way to the place of his Birth, in such case, if the Constable of any Parish will not receive such Rogue, to convey him to the next Constable, &c. he forfeits 5 l. and may be bound

bound as aforesaid to his good behaviour.

And the penalty is said to be the same if he do receive him or her, and yet doth not convey him or her to the next Constable, upon their passage. *Resol. of Judges. Sect. 13, 14. Dalt. fo. 128.*

And it is also said to have been then resolved, That if a Rogue say he was born at such a place, and it cannot be made appear to the contrary, he must be sent thither. *How and to what places Rogues and Vagabonds ought to be sent and*

So, if the Husband or Wife have a settled House, and one of them or both Rogue about, they ought to be sent to the Town where the House is; and so of an In-mate. *Husband and Wife.*

Also the Wife and all Children under 7 years of age, being Vagrant, must be sent to the Husband, and if he be Dead, then to be sent with the Wife where she was born, or dwelt last. *Children under 7 years of age.*

And Vagrant Children above 7 years old, must be sent to the place of their birth. *Children above 7 years of age.*

And Note, that when such Vagrant Parents with their Children under 7 years of age, be placed at the place of birth of their Parents, or their last Dwelling, afterwards the Parents or either of them Dye, or run away, yet the Children once settled, must remain there still, and may not be sent to their place of birth, though after they grow to be 7 years old. *Children once settled, may not be removed.*

Wife.

The Wife being a Vagrant, ought to be sent to the Husband, though he be but a Servant in another Town.

*Husband
Wife and
Children
together.*

The Rogue whose place of birth, or Dwelling cannot be known, having a Wife, or Children under 7 years of age, They must all go together with the Husband, to the place where they were last suffered to pass through without punishment; and there the Children must be relieved with the Work of their Parents, though their Parents be committed to the House of Correction.

*Constables
not to post
away too
hastily such
as are sick
or great
with Child.*

But its said, Constables are not to post away such Vagrants, (taken by them or sent to them,) that are desperately sick; nor Women ready to be delivered; nor to deliver them to the next Constable after Sun-set. See for these, *Dalton Cha. 47. with Child. Resol. Jud. Sect. 4. & 5.*

*Incorrigible
Rogues.*

Note, That some Rogues are lookt upon as incorrigible Rogues, as such as shall appear to be dangerous to the inferiour sort of people, threatening or offering any Violence to them, or that will not be reformed from their Roguish Life, as having been once whipt and sent home, and do afterwards wander again: Or when they say they were born or Dwelt last in such a place, where in truth it is otherwise. Such as these are accounted incorrigible Rogues; and all Constables meeting such Persons within their Liberties, ought to carry them before some Justice of Peace, there to be ordered by him according to the Statute.

Pu-

Punishment of Incorrigible Rogues, is to be Burnt on the left Shoulder, and for the next time 'tis Felony without Clergy.

1 Jac. 7.

Again, all such Persons as shall run *Threatning* from their Families, and leave a charge to *to run from* the Parish, are to be punished as *their Fami-* Incorrigible Rogues; and if any threaten so to *lies.* do, unless he give good Sureties for the discharge of the Parish, he may be sent to the House of Correction. See *Dalt. ca. 47.*
Resol. Jud. Sect. 4. & 5.

If the Constable neglect his Duty, he *Forfeitures* forfeits 10 s. as before; and such as disturb *for not ap-* or hinder the Execution of the Law, *prehending* *Rogues, &c.* *seiz 5 l. as before.*

So every Person that shall not apprehend such Rogues, as he shall see or know resort to his House to Beg, &c. and shall not carry them to the next Constable, shall forfeit 10 s. as before. 39. Eliz. ca. 4.
 7 Jac. 4.

Yet any Justice of the Peace may reward *Reward for* any Persons, who shall apprehend and bring *apprehend-* before him any Rogue, Vagabond, or *ing* sturdy Peggare, by granting to such Per- *Rogues, &c.* sons under his Hand and Seal to the Constable or Tything-man of the Place, through which the Rogue did pass unapprehended, ordering him to give such Person 2 s. for every Rogue so taken, on pain of being proceeded against according to the Statutes of 39. Eliz. & 1. Jac. 7. And out of the Mony forfeited by the Constable upon the Statute 1 Jac. the Justice may

may allow the said 2 s. Stat. 13. & 14. Car. 2. ca. 12. which Statute being expired was, 1 Jac. 2. reviv'd for 7 years.

*Rogues at- And so, they that apprehend Vaga-
prehended' bonds, &c. at the Confiners of a County,
on the Con- which passed through any Parish in ano-
finer of a ther County unapprehended, may go to a
County. Justice of Peace of that County, where*

such Rogue, &c. was not apprehended, who upon Certificate from some Justice of Peace of that County, where such Rogue, &c. was apprehended, may grant such Warrants to the Constable to reward them as aforesaid; and in case of the Constables refusal to pay, the Justice of the County through which the Vagabond passed unapprehended, may cause the Constable there, to pay to such Person or Persons as apprehended him or them, 10 s. or so much thereof for their Expences and loss of Time as he thinks fit, which he forfeited by, 39 Eliz. See Stat. 13, 14, Car. 2. ca. 12. revived for 7 years.

*How Con- Also Constables, Headburrroughs, and
stables are Tything-men, out of Purse for conveying
to be repaid Vagabonds, &c. to Houses of Correction,
their Char- or Work-houses, They (the Constables,
ges in con- &c.) the Churchwardens, and Overseers
veying of of the Poor, and other Inhabitants in the
Rogues, &c. Parish, may Tax all chargeable by the
Stat. 43 Eliz. Chap. 2. which Rate being
affirmed under Hand and Seal by two Justices of the Peace, they may levy it by Dis-
tress and sale of Goods, 13, & 14 Car. 2. ca. 2.
See Wing. Abridg. of Stat. Tit. poor People.*

Note,

Note, This Statute 13 & 14 *Car. 2. cap. 12.* (Except what concerned the Corporations of Workhouses, within the Weekly Bills of Mortality) was but to continue till the next Session: But 19 *May 1 Jac. 2.* it was revived for 7 years, and to the end of the next Session:

Note, That if the Constable or Tithing-Constables, men neglect to make privy Search for &c. *find*, Rogues, upon Warrant from the Justices of for *not* Peace, and to appear before the Justices, *searching* at their Meeting appointed for that *pur- for Rogues* pose, to give an Account (upon Oath) in *according* writing under the Ministers hand, testifying to *Warrant*; what Rogues, &c. they have taken in that *and for not* Search, or since the last Meeting; and *giving an* how many have been punished, or other- *Account*, wise sent to the House of Correction: Or *how many* if they neglect safely to convey such to the *have been* House of Correction, as by the said Justices *Convicted*. Warrant are to be committed thither, they are to incur what Fine the Justices please to set upon them, so that it exceed not 40*s.* 7 *Jac. 1. cap. 4.*

We have spoke before concerning Wandering Labourers, refusing to work for reasonable Wages, having no other livelyhood.

Yet you may observe, That the Con-Constables stable, &c. has power *ex Officio* to set on *may set on* work all Artificers, or Mechanick Trades- *work La-* men, fit to labour by day, upon Request *bourers, &c.* to him made by any person that wants in *Hay or* help in Hay, or Corn Harvest. And if Corn *har-* they *vest*.

they refuse, he may set them in the Stocks two Days and one Night; and if the Constable neglect his duty herein, he shall forfeit 40 s. *Stat. 5 Eliz. cap. 4.*

*Servant
departing
from one
Service in
one Town,
to another
Service in
another
Town, &c.
without a
Testimonial*

We spoke before of Servants leaving their Services without Testimonial, &c. 'Tis true, these Testimonials now are seldom regarded; yet the Law gives a great Penalty in this case. For the Master that retains a Servant without a Testimonial, forfeits 5 l. And every Servant which sheweth not a Testimonial to the Chief Officer in a Corporation, or to the Constable, Minister, or Churchwardens, where he is to dwell, may be Imprison'd till he can get one; which, if not procured within 21 days; or if he produce a false, he is to be whipt and used as a Vagabond. *Stat. 5 Eliz. Chap. 4.*

*Who must
make the
Testimoni-
als.*

These Testimonials, if in a Town Corporate, are to be under the Hands and Seals of the Town, and two Housholders there; and in the Country, under the Seals of the Constable or Constables, and two Housholders there: Which Testimonial shall be made and delivered to the Party, and also Registred by the Minister of the place where the Servant dwelt; for which the Minister is to have Two pence.

Note, No Penalty for not delivering a Testimonial to the Servant.

The Form of the Testimonial is this :

Memorandum, That A. B. Servant to The form
C. D. of J. in the County of E. of the Te-
Husbandman [Taylor, or the like] in the testimonial.
said County, is Licensed to depart from his
said Master, [or Mistress, or Dame, as the
case happens] and is at his liberty to serve
elsewhere, according to the Statutes in that
case made and provided. In witness
whereof We have hereunto set our Hands
and Seals the 26th Day of October, in
the Third Year of the Reign of our Sovereign
Lord and Lady King William and
Queen Mary, Anno Dom. 1691.

A. B. Constable of J.

C. D. }
E. F. } Householdiers there.

One would wonder how so strict a Law
should be so soon disused; but it may
be, for that it found a great Inconvenience
for a Servant to get such a Testimonial;
however, the Law is still in force.

As to this Branch of the Oath that Night-
concerns Night-Walkers, and such other Walkers.
Idle persons, I have spoke of that before
in the Duty of the Constable and his Watch.

Yce

Yet it is said, That any Private man may arrest Night-Walkers ; however , then he must deliver them to a Constable, and they may be bound to their good Behaviour by a Justice.

See 2 E. 3. 6. *Dalt.* fo. 16. *Poult.* 18. *Lamb.* 122.

*Orchard-
Robbers,
Hedge-
Breakers,
Wood-
Stealers,
&c.*

For the rest of the Idle persons, I think we may reckon up such as cut down Wood or Corn , or rob Orchards, and the like. And therefore observe , That all such as shall be convicted before a Justice of Peace, for cutting and taking away of Corn growing, Robbing of Orchards, Breaking Hedges, &c. and their Procurers and Receivers knowing the same ; if they cannot make such Satisfaction as the Justice shall think fit , the Justice may then commit them to the Constable to be Whipt, either for the first or second Offence; and if the Constable refuse or neglect to see them Whipt., the Justice may commit him to Gaol till he will do it, or procure it to be done. *Stat.* 43 *Eliz.* cap. 7.

*Constables
may apprehend
suspected persons.*

And by the Statute 15 *Car.* 2. cap. 2. Constables , Headburroughs , or other Inhabitants in County, City, or Town Corporate, &c. may apprehend whom they suspect having or conveying any Wood , Underwood, Poles, or young Trees, Bark or Bast of Trees ; or any Gates, Stiles, Posts, Pales, Rails, Hedge-wood, Broom or Furze ; and by Warrant from a Justice of Peace , the Officers may search the Houses , and other places belonging to those they suspect ; and


*May search
suspected
Houses .*

and where they find any, may carry persons suspected for cutting and taking the same, before a Justice of Peace of the County, City, or Town Corporate; where, if they give not such account how they came by them as doth satisfie the said Justice, or in convenient time to be set by the Justice, produce not the Party of whom they bought the same, or some Witness to depose upon Oath, such Sale shall be deemed as Convicted within the meaning of 43 *Eliz. cap. 7.* and be liable to the Punishment *Punishment* therein contain'd: And also for the first Offence, shall make such Recompence, and within such time as the said Justice shall appoint; and pay to the Overseers for the Poor of the Parish where the Offence was committed such Sum, not exceeding 10 s. as such Justice shall think meet; and in default thereof, to be committed to the House of Correction for any time, not exceeding a Month; or else to be Whipt by the Constable, &c. and for the second Offence, to be sent to the House of Correction for a Month, and be kept to hard Labour; and if convicted of the third Offence, they shall be deemed Incorrigible *Incorrigible Rogues.* 15 *Car. 2. cap. 2.*

And if any person buy Wood, &c. of any other justly suspected to have stolln the same, and this be so found upon Examination before a Justice, the Justice may order the Buyer to pay the treble Value thereof to the Party from whom it was taken; and in default of present Payment, make a War-
Penalty upon the Buyer of stolln Wood.

Warrant to the Constable to distrain for it, and for lack of Distress, to commit the Party to the Gaol, at the Parties own charge, there to remain one Month without Bail or Mainprize. 15 Car.2. cap.2.

How and when to be prosecuted. But none shall be questioned upon this Law, that hath been punished for the same Offence by any former Law; nor after five Weeks after the Offence committed, shall any Question thereof be made. 15 Car. 2. cap.2.

 Sixthly, To have a watchful Eye to such as shall keep Common and Unlawful Gaming-Houses; and to such Persons as shall frequent the same.

Search for Gaming-Houses, &c.
48 s.

Every Mayor, Sheriff, Bailiff, Constable, and other Head Officer within every City, Burrough or Town, shall make due search, once every Month at least, in pain to forfeit 48 s. for every default, in all such Houses and places where unlawful Games shall be used, and may arrest and imprison as well the Keepers of the House, as the Resorters thereunto, until they shall severally give good Security at the discretion of the Justices or such Officers, not to keep such Games any more. 33 H.8. ca.9.

Unlawful Games and Gamesters.

And for distinguishing what are unlawful Games, and who are unlawful Gamesters, It is Enacted by the said Statute, 33 H.8. cap.9. That no Artificer, or his Journeyman, no Husbandman, Apprentice, Labourer, Servant at Husbandry, Mariner, Fisher

Fisherman, Waterman, or Servingman, shall play at Tables, Tennis, Dice, Cards, Bowls, Clash, Coyting, Loggating, or any other unlawful Game, out of *Christmasts*, or then out of their Masters house or presence, in pain of 6 s. 8 d.

But this Act shall not restrain a Servant, by his Masters Licence, to Play at Cards, Dice, or Tables with the Master himself, or other Gentlemen resorting to his Masters House. And if his Master have Freehold of 100 l. per Annum, he may also Licence his Servants to play at Bowls or Tennis. 33 H.8.c.9.

And Note, That all Licences to keep *Licenses* Houses or Places of Unlawful Games, shall void. be void by Stat. 2 & 3 Phil. & Ma. cap.9.

¶ Seventhly, At your Assizes, You shall present all Offences contrary to the Statutes, for the restraints of inordinate haunting and Tipling in Inns, &c. for the repressing of Drunkenness and profane Swearing.

No Innkeeper, Victualler, or Alehouse- No Ale-keeper, shall suffer any Town-Dwellers to housekeeper sit Tipling in his House, in pain of 10 s. to suffer nor sell less than a full Ale Quart of the Tipling. best Ale or Beer, or two Quarts of the small for 1 d. in pain of 20 s. And here the View of one Justice, or proof by one Witness upon Oath, or the Parties own Confession before one Justice, is sufficient Con-

Conviction, Conviction. 1 Jac. 9. And the Oath of
 1 Jac. 9. the Party confessing shall convince any
 21 Jac. 7. other.

1 Car. 4. The Penalties aforesaid are given to the
Distress. Poor of the Parish where the Offence is
 committed; and are to be levied on War-
 rant (by the Constable and Churchwarden)
 by Distress, which after six Days may be
 sold to satisfy the Penalty: And in de-
 fault of Distress, the party Delinquent must
 suffer Imprisonment till he pay the Penalty.

*Imprison-
ment.*

*Officer for
feits 40 s.*

And here every Officer that neglects to
 levy the said Penaltie; or certifie (within
 20 Days) the default of Distress, shall
 forfeit likewise to the Poor 40 s. to be
 levied (upon Warrants) from one Justice,
 by distress and sale as aforesaid; and upon
 default of Distress shall incur Commit-
 ment, as aforesaid.

*Officers ac-
countable.*

The Officers, or other Parties receiving
 these Penalties, shall be accountable to the
 succeeding Officers, and other Parishion-
 ers.

*One convi-
cted of
Drunken-
ness.*

One convicted of Drunkenness in Court,
 or before a Judge or Justice in their sever-
 al limits; or by the View of one Justice,
 or proof by one Witness, upon Oath before
 one Justice, shall forfeit five Shillings to
 the Poor, to be levied and employed as
 the Penalties of 1 Jac. 9. And in case he
 be not able to pay it, shall remain in the
 Stocks six Hours: And for the second Of-
 fence of Drunkenness may be bound to
 good Behaviour. 4 Jac. 5. 21 Jac. 7.

Penalty.

Stocks.

Here the Officer that neglects to levy *Officer for* the said Penalty upon Warrant, shall forfeit 10 s. to be levied and employed, as aforesaid. 4 Jac. 5.

A Town-Dweller, which is convict to *One convict* for Tipling in any Inn, Victualinghouse, or of Tipling. Alehouse, by the View of one Justice, or the proof of two Witnesses; shall forfeit Ten Groats, to be levied and employed as *Forfeiture*. aforesaid; and being not found able to pay it, shall remain in the Stocks four *Stocks*. Hours. 4 Jac. 5.

These Offences, as also those mentioned *Where* in 1 Jac. 9. shall be enquired of, heard, *these Offences* and determined at the Assizes, Quarter-sessions shall be Sessions, in Corporate Towns and in Leets. *enquired*. 4 Jac. 5.

And all Constables, Churchwardens, *Officers* Headburroughs, Tithingmen, Aleconners and sworn to Sidemen, shall be charged on their Oaths *prevent* to prevent the said Offences. 4 Jac. 5. *them*. 21 Jac. 7.

None shall be twice punished for one *But one* Offence. 4 Jac. 5. *Punishment*

† Vintners, which do also keep Inns or for one Victualinghouses, shall be taken to be Offence. within these Acts, 1 Jac. 9. 4 Jac. 5. and † Vintners *within* 1 Car. 4.

The Offenders 4 Jac. 5. to be prosecuted *these Acts*. within six Months.

By Stat. 3 Car. 3. none shall keep an Alehouse Alehouse without Licence, in pain to forfeit 20 s. to the Poor, which the Con- *Licence*. stable and Churchwarden (upon Warrant before the Justice) shall levy by Distress, *Distress*.

*Alehouse-
keeper
Whipt.
Officer
punisht.*

and (after three Days default of payment) may sell the Distress, to satisfie the Penalty, rendring the Overplus : And in case the Delinquent hath not wherewithal ; the said Justice shall commit him to the Constable, to be openly Whipt.

And here the Officer that neglects to execute the Warrant, or to punish the Offender, shall suffer Imprisonment without Bail, or pay 40 s. to be employed as aforesaid.

See *Dalton's Just.* fo. 31, 32. *Abridg. of Stat. Tit. Alehouses, &c.*

And by 21 Jac. 7 & 10. the Alehouse-keeper shall be disabled for three years, who offends against 1 Jac. 9. and 4 Jac. 5.

*Alehouse-
keeper re-
fusing to
lodge Tra-
vellers.*

*Indicted
and Fined.*

*Damages
recovered
by the Tra-
veller.*

And Note, That if a Common Inn-keeper or Alehousekeeper will not lodge a Traveller, who profess ready Mony beforehand for his Victuals : In such case the Constable may cause such Innkeeper, or Alehousekeeper, to be Indicted at the next Sessions or Assizes, where the Justices may fine and imprison him.

Or in such case, the Traveller grieved may bring an Action, and recover Damages against the Innkeeper, &c. *Dalton* fo. 28. 2 Co. 27. b. 10 H. 7. 8.

Next, *For the repressing of Profane Swearing.*

If any shall Swear or Curse within the *Profane* hearing of a Justice of Peace of the *Cursing and* County, Mayor, Justice, Bayliff, or Head-*Swearing.* Officer of any City or Town Corporate where the Offence is; or shall be convicted thereof by his own Confession, or the Evidences of two Witnesses upon Oath, before such Mayor, Justice, or Head-Officer, he he shall forfeit 12 *d.* for every time, and the *Forfeitures.* Justice of Peace, or Head-Officer, may thereupon issue out their Warrant to the Constables, and Churchwardens and Overseers of the Poor of that Parish where the said Offence shall be committed, to levy the sum and sums of Money by distress and sale of the Offenders Goods, rendring the Overplus (if any be) to the Owner.


And where no Distress is to be had, the Offender (if above 12 years of Age) shall *Offender* by Warrant, as aforesaid, be set in the *set in the* Stocks Three hours; but if he be under *Stocks.*

12 years, and shall not forthwith pay the *Offender* sum of 12 *d.* per Oath, then he shall be *Whipt.*

Whipt by the Constable, or by the Parent or Master in the Constables presence.

21 *Jac. cap. 20. 3 Car. cap. 4. 17 Car. cap. 4. Dalton 138.*

I spoke before of the Constables Authority upon Notice of a Womans being in Adultery; and of a Man and Woman of evil Fame, going to a Suspected house.

 I will next set down the Constables Office concerning such as *Profane the LORD's-Day*: And observe, That in the opening the 5th, 6th, and 7th Branches of this Oath, is set down the Duty of the Constables, as the Matters mentioned in the *Abstract of Penal Laws*, lately commanded by the QUEEN to be put in Execution.

Penalties

upon such as use unlawful Sports and Pastimes on the Lord's-Day.

3 s. 4 d.

*Stocks.**Conviction*

by View or one Witness, &c.

To be prosecuted within a

Month.

General Issue.

The Constable, Headburrough, &c. or Churchwardens, by Warrant from a Justice of Peace (or other Chief Officer of any City, Burrough, or Town Corporate) under their Hand and Seal, against such as use Unlawful Games on the LORD's-Day, as *Bearbaitings, Bulbaitings, Enterludes, Common Plays*, or other Unlawful Pastimes within, or out of their own Parish, may levy the Penalty of 3 s. 4 d. by distress and sale of the Offenders Goods, rendring the Overplus to the Owners; and in default of Distress, the Constable is to set the Offender in the Stocks by the space of Three hours. 1 *Car. 1. cap. 1.*

The View of one Justice in the County, or Chief Officer in a Corporation, or Parties own confession, or the Oath of one Witness, shall be a sufficient Conviction.

But the Party offending against this Act, must be question'd within a Month after the Offence committed: And if the Officer be questioned, he shall plead the general Issue, and yet give the special Matter in

Evid

Evidence. 1 Car. 1. cap. 1. Dalt. fo. 63.

Abridg. of Stat. p. 275.

Every person keeping or being present *5 s. for* on the LORD's-Day at any Wrestlings, feited. Shootings, Bowlings, Ringing of Bells for Pleasure, Mask, Wake, Church-Ale, Dancing, Game, Sport, or Pastime whatsoever, he forfeits *5 s.* if he or she be above 14 years of Age; but if he be under, he forfeits only *12 d.* by him under whose Tuition he or she is.

And no Carrier with his Horse, Wag- *20 s. by a* goner with his Wagon, Carman with his *Carrier,* Cart, Wainman with his Wain, or Drover *&c.* with his Cattle, shall Travel on the LORD's-Day, in pain to forfeit *20 s.* for every such Offence, 3 Car. 1. cap. 1.

Note, There must be but one *20 s.* forfeit for one Journey, though they pass through several Parishes, and the Parish where the Distress is first taken shall have it. See *Dalt. fo. 134.*

Neither shall any Butcher by himself, or *Butcher* any for him, kill or sell any Victual upon *6 s. 8 d.* the same day, in pain of *6 s. 8 d.* 3 Car. 1. cap. 1.

Here the Conviction of the Offender, *Conviction* and the levying and employment of the *by View, or* Forfeitures, are the same with those of the *two Wit-* former Statute, save only that here two *wit-* nesses, *&c.* Witnesses are necessary.

This Action shall be prosecuted within six Months; and here also the Officer may plead the General Issue. *Stat. 3 Car. 1. General* cap. 1. *Issue.*

And note, That a Churchwarden may levy 12 *d.* upon such Persons as repair not every Sunday to some Church or Chapel, by 1 *Elix. cap. 2.*

But by 3 *Jac. 4.* he must levy it by Warrant.

By the Act of *Indulgence*, he may go to Meeting or Conventicle.

See more of this hereafter, in the Duty of Churchwardens.

*Penalties
on such as
shall Work
or Sell on
the Lord's-
Day.*

5 s.

All Laws in force, concerning the Observation of the LORD's-Day, shall be put in Execution. None shall do any worldly Labour or Business on that day, (Works of Charity and Necessity only excepted) and all of the Age of 14 years or upwards, offending in the Premises, shall forfeit 5 s. And no person shall publickly Cry, or expose to Sale any Wares whatsoever on that Day, on pain to forfeit them, 29 *Car. 2. cap. 7.*

Quære, If selling Drink (called for) be an Exposing of Wares &c.

*Drover,
Higler, &c.
20 s.*

No Drover, Horse-Courser, Waggoner, Butcher, Higler, or their Servants, shall Travel on that Day, on pain to forfeit 20 s.

*Boatman
and Pas-
senger, 5 s.*

No person shall use or Travel on the LORD's-Day with any Boat, Wherry, &c. Except on extraordinary Occasion, to be allowed by a Justice of Peace or Head-Officer of the place, &c. on pain to forfeit 5 s. 29 *Car. 2. cap. 7.*

The Justice of Peace, or Chief Officer of *Seizure* of the City, Burrough, &c. before whom the Goods ex-Offender is convicted by View, Confession, *posed to* or Oath of one Witness, shall give War-Sale. Warrant to the Constables or Churchwardens, to seize the Goods cried or put to Sale, and to sell them, and to levy the other Penalties by distress and sale of Goods; and in case of Inability, &c. to set the Offenders in the Stocks for two Hours. *Offender to* The Penalties aforesaid, to be employed *be set in* to the use of the Poor of the Parish where *the Stocks.* the Offences are committed; saving that any Justice or Head-Officer may out of them reward Informers, so as such Reward *Informers* exceed not a third part of the Penalties, *rewarded.* 29 Car.2.7.

This Act shall not prohibit Dressing of *Toleration* Meat in Families, or Inns, Cooks Shops, &c. *for Cooks.* nor crying of Milk before 9 of the Clock in the morning, or after 4 in the afternoon, 29 Car.2. cap.7.

No Persons on the LORD's-Day shall *Serving of* serve any Process, Warrant, &c. (Except *Process and* in cases of Treason, Felony, and Breach *Arrests.* of the Peace,) but such Services shall be void; and the Persons serving the same shall answer Damages, as if they had done the same without Warrant, 29 Car.2. cap.7.

Disturbing Preachers.

*Disturbing
of Mini-
sters in
their
Preaching,
&c.*

*Commit-
ment.*

*Good Beha-
viour.
Submission.*

*Rescuing
the Offen-
der 5 l.*

A Ny person Disturbing a Lawful Minister in Preaching, Praying, or Administring the Sacrament, may be presently apprehended by the Constable or Churchwardens, and carried before a Justice, who may, if he think fit, commit him to safe Custody; and within six Days after with another Justice, if they find the Offence proved by two Witnesses, commit him to the Gaol for three Months, and from thence till the next Sessions; - where the Offender giving Security for his good Behaviour, he may be discharged, otherwise to be continued in Prison till he make submission.

And note, That if any person rescues such an Offender, he shall suffer Imprisonment, and also forfeit 5 l. And also the Inhabitants of the place, if they suffer him to escape, forfeit 5 l. if they be presented at the County Sessions, *Stat. 1 Mar. Sess. 2. cap. 3.*

Some think this Statute is repealed by 1 *Elix. cap. 2.*

See *Dalt. fo. 103, 104.*

But it is taken notice of in the *Abstract of the Laws*, which its said Her Majesty lately commanded to be put in Execution.

See more hereafter, of Disturbing a Protestant Dissenting Minister.

Popish Recusants.

Popish Recusants, above 16 years of *Popish Re-*
 Age, shall within 40 days after their *recusants*.
 Conviction repair to their usual Dwelling,
 and not remove above Five miles from *Not to re-*
 thence, in pain to forfeit all their *moveable*
 Goods, and Lands, and Annuities during *Miles from*
 life. And if they have no certain abode, *their dwell-*
 then they are to repair to the place where *ling, &c.*
 they were Born, or where their Father
 or Mother dwells; and within twenty days *To give in*
 after their Arrival there, to give their *their Names*
 Names in writing to the Minister, Con- *to the Con-*
 stables, and Headburroughs; which Mini- *stables, &c.*
 ster is to enter them in a Book to be kept
 for that purpose; and he, together with
 the said Constables and Headburroughs,
 are to certify the same to the next Quar-
 ter Sessions, where the Justices of Peace,
 shall cause them to be Inrolled.

See *Wing. Abr. Stat. tit. Crown, 35 Eliz.*
cap. 2.

The Constables and Churchwardens of *Constables*
 every Parish, or one of them (or if there *to present*
 be none such, then the High Constables *Popish Re-*
 of the Hundred there) are once every *recusants at*
 Year to present at the General Sessions of *the Sessions*
 the Peace, the Monthly absence from
 Church of every Popish Recusant, and
 the Names of their Children, being above
 the Age of Nine years, abiding with their
 said Parents, and of their Servants, toge-
 ther

ther with the Age of their Children, as
On Penalty near as they can know them, on pain to
of 20 s. forfeit respectively for every such default
 20 s. Which Presentment, the Clerk of
 the Peace or Town-Clerk shall Record
 without Fee, on pain of 40 s. 3 *Jac. 1. ca. 4.*
Abr. Stat. tit. Crown.

*Recusant
 refusing to
 take the
 Oath.*

If the Minister, Petty Constables, or
 Churchwardens of any Parish, or any two
 of them shall complain to a Justice of the
 Peace, of any person suspected of Recu-
 sancy, such Justice may tender the Oath
 of Allegiance to the Person suspected; and
 if he refuse to take it, may commit him to
 Gaol till the next Assize or Sessions:
 Where, if he again refuse, he incurs a *Pre-*
munire; but if the Person suspected be a
 married Woman, she shall only be con-
 tinued in Prison without Bail till she take
 the said Oath, *Wing. Abr. tit. Crown, 7 Jac.*
cap. 6. Dalt. fo. 10.

Note, That by a late Act 1 *W. & M.*
 the old Oaths of Allegiance and Supre-
 macy are taken away, and new Oaths ap-
 pointed.

Conven-

Conventiclers.

E Very Constable, Headburrough, Ti-Constables thingman, Churchwarden, and Overseers of the Poor, are authorized and required to levy the Fines assessed by the Justice of Peace upon those who shall be present at unlawful Conventicles, upon their Goods and Chattels (having first received a Warrant under the Hands and Seals of one or more Justices or Chief Magistrate) and forthwith to deliver the Money so levied to the same Justice of Peace, or Chief Magistrate, 22 Car. 2. cap. 1.

If any Constable, Headburrough, Tithingman, Churchwarden, or Overseers of the Poor, shall know or credibly be informed of any Conventicle within his Precinct; and shall not thereof inform some Justice of Peace, or Chief Magistrate, and endeavour to convict the Parties, but neglects his Duty, he forfeits 5 l. to be levied on his Goods, 22 Car. 2. cap. 1.

And the said Officers, being Constable, Headburrough, or Tithingman, may (upon a Warrant from one or more Justices, or Chief Magistrate) with what aid, force and assistance they think fit, (after refusal or denial to enter) break open into any House, or other place, where they shall be informed any Conventicle is held, as well within Liberties as without, and

and take into their Custody the persons there unlawfully assembled, to be proceeded against according to this Act.

Peers House But no Peers House is to be searched, unless in presence of a Lord Lieutenant, or two Justices of the Peace, whereof one to be of the *Quorum*.

Wives Penalty levied on Husbands Goods. And Note, That the Penalties for a Married Woman, (living with her Husband) shall be levied on the Goods of the Husband.

General Issue. And any Person Sued for acting by this Law, may plead the General Issue, and give the Special Matter in Evidence, and shall recover treble Costs, 22 Car.2.cap.1.

Exceptions by Act of Indulgence to Dissenters. But Observe further, That now Their Majesties Protestant Subjects, dissenting from the Church of England, and qualified according to the late Statute of Indulgence, are exempted from Penalties.


See Stat.1 W. & M. 24. Maii, 1689.

Not to extend to Popish Recusants. Provided no Popish Recusant have any benefit.

Provided also no Congregation be allowed until the place of Meeting be certified to the Bishop, or Arch-Deacon, or Justice of the Peace, &c.

Dissenters not to keep their Meeting House Doors lock'd or barr'd, &c. And provided, That if any Assembly of Persons, dissenting from the Church of England, shall be had in any place for Religious Worship, with the Doors lock'd, barr'd, or bolted, during the time of such Meeting together: All and every Person that

that shall come to, and be at such Meeting, shall not receive any benefit from this Law, notwithstanding his taking the Oaths, and making and subscribing such Declarations, &c. as are in the said Act contained, 1 W. & M. 24 *Mais*, 1689.

 You shall true Presentment make of all Bloodshedding, Affrays, Outcries, Rescues, or other Offences committed or done against Their Majesties Peace, within your Limits.

This Branch explains it self; and it is *When and* the Duty of High Constables, and Petit *where* Constables to attend upon, aid and assist, *stables must* and execute the Warrants of the Judges of *make their* Assize, at their Assizes and Gaol-Delivery, Present- and the Justices of Peace at their General *ments.* and Special Sessions, and other Meetings, and there (upon Oath, and in Writing, if it be required) to make Presentment to them of things within their knowledge against the Peace, and of such other things as are usually contain'd in Articles exhibited to them for that purpose: As concerning Felons, Hue and Cry, Watch, Punishment of Rogues, Labourers, Servants, Apprentices, Idle and Suspected persons, the Assize of Bread and Beer, Weights and Measures, Bridges in Decay, Alehouses, Licensed and Unlicensed, Gaming-Houses, harbouring Rogues, Tippling and Drunkenness, unlawful and Unsealed Measures, Defect of Highways, &c. *and*

and if they be Charged, they must give Account to all the Particulars of their Office; and for any neglect or fault therein, Justices may punish them by Indictment or otherwise, as in other like cases of neglect or contempt of them.

Note, Most of these Things, especially those which are common Nuisances; as corrupting the Air, Water, or Victuals, by Filth or Carkasses, &c. stopping of the way and passage, Deceit in Weights, Measures, &c. Counterfeiting of Wares, and the like, the Constables, &c. are to present at Leets, and give Information of the Offenders, to the intent they may be punished as the Law requires.

See Bacon's Cases, p. 28.

Ninthly, You shall well and duly execute all Precepts and Warrants to you directed, from the Justices of Peace and others, who have Authority in this County.

How the Constables ought to execute the Justices Warrants.

First observe, That its said a Justice of Peace, may direct his Warrant to the Sheriff, Bayliff, Constable, Headburrongh, Tithingman, or any other Officer, or any other indifferent Person by Name, though he be no Officer.

See Dalt. fo. 332. 14 H. 8. 16.

But some Acts of Parliament limit the Officers, to whom he shall direct his Warrant, &c.

Secondly,

Secondly, Note, That generally where a Justice of Peace hath Jurisdiction and Authority in the matter, though he make his Warrant something beyond his power, yet is not the Constable, &c. to dispute it, but must Execute it, and he shall be Excused; &c. as for Example, If the Justice make a Warrant to arrest a Man for the Peace or good Behaviour, &c. and there is no cause for it, yet the Officer shall not be punished for Executing the Warrant. But it is otherwise, where a Justice of Peace makes his Warrant for something to be done out of the Jurisdiction of the Justice, or where in he is no Judge; and here the Officer may be punished if he Execute it, and therefore may very well disobey it. And it behoves an Officer at his Peil, to take notice of the Authority and Jurisdiction of the Justice. *Dalt. fo. 334. Lamb. 67, 94. Crump. 74. 14 H. 8. 16. 10 Co. fo. 76.*

Neither ought an Officer to obey a Notorious Warrant that has apparent and notorious mistakes in it, as if it command him to a Warrant. levy of a Man; l. because he was Tippling in an Ale-House, or had Sworn an Oath, or the like, where the Penalty amounts not to a tenth part, or if it requires the Constable to do something not within his Precincts: But otherwise where it is regular; The Officer to whom such Warrant is directed, ought with all speed and secrecy to Execute it, *Dalton fo. 332.*

And

Constable And Note, a sworn Officer, as a Constable, &c. needs not to shew his Warrant to shew his to any man, when he comes to serve it upon him, although he require it; yet he ought to acquaint the Person with the Contents thereof; and such as is no sworn Officer ought to shew his Warrant on Demand, otherwise the Party may chuse whether he will obey it. *Dalt. fo. 332. Bro. Faux Impr. 23. 6. Co. 54. 9 Co. 68.*

Officer gives sufficient notice by these words I arrest you, &c. But 'tis said, That if the Officer say to the Party I arrest you in the Kings Name, &c. That is a sufficient notice what he is, and in such case, though the Party knoweth he is no sworn Officer, he ought at his Peril to obey him; and if the other hath no lawful Warrant, the Party grieved may bring an Action of false Imprisonment against him. *Dalt. fo. 333. 9 Co. fo. 69.*

Constable makes an arrest first, and then procures a Warrant. If a Constable, or other Officer arrest a man, before he has his Warrant, though afterwards he procure one to arrest the party for the same cause, yet is it a wrongful arrest, and the Officer is subject to an action of false Imprisonment. *Dalt. 333. Lamb. 93. Dyer 244.*

Constable takes the Offenders word for his appearance. If a Constable, &c. after he hath arrested the party, by virtue of his Warrant, lets him at Liberty upon his promise, that he will come again at another day, and go with him to the Justice, and if the party comes not at the day appointed, The Constable in this case cannot take him again upon the same Warrant, because he went.

went at Liberty by his consent; but if he had escaped of his own wrong without the consent of the Officer, in such case its said, the Officer may make fresh Suit and take him again, and though he run out of sight, or fly into another Town or County, he may bring him back before the Justice that granted the Warrant on which he first arrested him. *Dalton* fo. 333, 340. *Crompt.* 148, 172, 173, 214. *Vid. antea, concerning Escapes.* *Fresh Suit.*

Its said, That if there be two or three Persons of Persons known by the Name of *A. B.* of one Name, *C. Gent.* and a Warrant is granted against and the one of them, wherein the wrong Person wrong man is arrested, in such case false Imprisonment is arrested. will not lye. *Dalt.* 333. 11 *H.* 4. fo. 90. *Quare of this.* *5 E.* 4. fo. 51.

But where a Warrant is granted, Constable against *A. B.* Son of *E. B.* and the Officer takes the *A. B.* Son of *J. B.* who in truth Offender, is the right Person that offended, and was whose name complained of; yet the arrest is wrongful, was mistaken and the Officer lyable to an action of false Imprisonment. *Dalton* 333. 10 *E.* 4. 1. *Warrant, Bro.* 38.

It has been held, That a Justice of Peace Warrant cannot make a Warrant to arrest a Felon, against a Felon, unless he be first Indicted of Felony, or that the Justice himself hath a suspicion of the Felon. But yet if the Constable or other Officer do execute the Warrant he may justify it, though there was Error in the Justice. 14 *H.* 8. 16. *Bro. Peace.* 6 & *Faux Imp.* 8. *Dalt.* fo. 331.

Note,

Nota. Note, it is said before, That a Constable, *Ex Officio* may upon suspicion or information arrest a Felon.

One arrested for Felony, and none done. Yet its said, that common Fame and Voyce is not sufficient cause to arrest a man for Felony, unless a Felony be done indeed. But where a Hue and Cry either by the Common Law or Statute is Levied upon a Person, the arrest of him is lawful, though the Hue and Cry be feigned. And if it be feigned, he that Levies the same may be arrested, fined, and Imprisoned. 29 E. 3. 9. 38 E. 3. 6. 3d part Co. Inst. fo. 118. 21 H. 7. 28.

Hue and Cry feigned.

Where the Constable may break open the House.

Note, That a Constable or other Officer, upon a Justices Warrant for Treason, Felony, and the like, or in any other case, where the King is a Party, may by vertue of the Warrant break open any House to arrest the Offender, having first signified the cause of his coming, and required them to open the Doors. 5 Co. fo. 9. *Crompt.* 171. *Dalt. fo.* 204, 205, 333.

Punishment of such as abuse the Justices Warrant.


Note also, That if any Person shall abuse the Justice of Peace his Warrant, either by throwing it into the Dirt, treading it under Feet, burning it, or the like: Such person for such his Contempt, may be bound to his good Behaviour; and may also be Indicted and fined for the same, for it is the Kings Process. *Crompt.* 149. *Dalt. fo.* 334.

Before what Justice the Offender must be carried.

Note also, upon a General Warrant, The Constable may chuse his Justice, but where the Warrant runs only to bring the Party

Party before the Justice granting it, Then the Constable must carry him before that Justice and not elsewhere.

Lastly, Observe, That a Person commit-*Offenders* ted to Gaol, ought to bear his own charges, *committed* to be levyed of his Goods and Chattels, by to Gaol must a Justices Warrant for that purpose; but if *they* he have not Goods, then the Parish where *own Char-* he was apprehended is to bear the charge *ges.* of conveying him, by an indifferent Assesment, by the Constable and Church-Wardens, and two or more of the Inhabitants, allowed of by a Justice of Peace. And the Gaoler is bound to receive the Prisoner freely, without taking any thing of the Officer that brings him. *See Stat. 3. Jac. 1. Chap. 10.*

 Tenthly, You shall well and truly according to your Knowledge Power and Ability, do and execute all other Things belonging to the Office of a Constable, so long as you shall continue in the said Office.

This is the last Branch of the Constable's Oath, and extends to all other things belonging to his Office. Therefore I shall next endeavour to set them down in order for your Instruction.

C H A P. III.

The Constables Office about Seizing Arms, &c.

Constables to seize the Arms of such as the Lieutenants of the Militia judge dangerous.

THE Lieutenants of the Militia, or two or more of their Deputies, may by Warrant employ Persons (of which a Commission-Officer, and a Constable or his Deputy, or the Tything-man, or in their absence, some other Officer of the Parish shall be two,) to search for, and seize Arms, in the Custody of such as the said Lieutenants or any two of their Deputies judge Dangerous, and to secure them, and give account thereof to the said Lieutenants, &c. 13 & 14 Car. 2. ca. 3.

When the Search must be made.

No Search to be made between Sun-setting and Sun-rising, other than in Cities and their Suburbs, Towns Corporate, Market Towns, and Houses within the Bills of Mortality, if the Warrant so directs. *Ibid.*

Searching of the House of a Peer.

No Dwelling-house of a Peer shall be searched, but by Warrant from the King, under the Sign Manual, or in the presence of the Lieutenant, or one Deputy Lieutenant. *Ibid.*

In case of Resistance.

In case of Resistance, it shall be lawful to enter with Force, and the Arms seized may be restored, if the Lieutenants, their Depu-

Deputies, or any two of them think fit. 13
 & 14 Car. 2. ca. 3.

High Constables, Petty Constables, and other Officers, shall be assisting in the Execution of the Premises.

The Constables also, by Warrant for Constable to that purpose, under the Hand and Seal of *levy Fines*, the Lieutenants and their Deputies, or three &c. of them, are to Levy to such Sums as shall be charged upon such as neglect to provide Horse-men and Foot-men, Arms, &c. according to the Act 14 Car. 2. ca. 3. 15 Car. 2. ca. 4.

And where sufficient Distress cannot be *Lack of dist* had, Then the Lords Lieutenants or their *stess and* Deputies, by like Warrant to the Constable *commit-* may commit such Offender to Prison, un- *ment.* til he shall make satisfaction, according to his Forfeiture, Payment, or Penalty. 15 Car. 2. Ca. 4.

The Constables or their Deputies, Head-Constables burroughs, and Tything men, from time to *to seize Po-* time are to assist such as shall be im- *popish Recu-* powered by Warrant, under the Hands and *sants Arms* Seals of two Justices of Peace or more, to search for all Arms, Weapons, Gunpowder, or Ammunition, which shall be in the House, Custody, or Possession of any Popish Recusant, and to search the same for the use of their Majesties. Stat. 11. Maii, primo W. & M.

All Popish Recusants and other Persons, *Disturbers* concealing Popish Recusants Arms, or to be com- disturbing such as are authorized to search *mitted.* and seize the same, shall by like Warrant

as aforesaid, be committed to the common Gaol for three Months without Bail, and shall forfeit the said Arms, and lose treble the value of them to their Majesties, and their Successors.

To seize the Horses of Popish Recusants, above 5 l. value. Also the Constables, &c. are to be aiding as aforesaid, to search for the Horses of Popish Recusants, above the Value of 5 l. a piece, and to seize the same for their Majesties use; and to carry to Gaol such as shall conceal any such Horses, to be committed by like Warrant for 3 Months without Bail, and to forfeit treble the value of such Horse or Horses. 1 W. & M. 11. Maii, 1689.

Removing Papists 10 Miles from London and Westminster. The Constable also is to obey the Justice his Warrant, for bringing before him, and removing Papists and reputed Papists, from the Cities of London and Westminster, and 10 Miles distant from the same. 14 April, 1 W. & M. 1689.

CHAP. IV.

Account.

Bayliffs, Constables and Sheriffs, and other Officers, are to Execute the Orders and Precepts of the Commissioners, appointed to Examine and State the publick Accounts of the Kingdom, by an Act, 2 W. & M.

CHAP

C H A P. V.

The Constables Office about Seizing of Cattle, &c.

Constables, Tything-men, Headbur-Constables
 roughs, Church Wardens, or to Seize
 Overseers of the Poor, or any Irish Cat-
 other Person, may take and Seize all great Cattle,
 Cattle, Sheep, or Swine, or any Beef,
 Pork, or Bacon, brought from Ireland:
 And that to prevent fraudulent Seizures and
 Compositions, the Seizors shall within
 six days after Conviction and Forfeiture,
 cause the said Cattle, Sheep and Swine,
 to be killed, and the Hides and Tallow
 shall be to the Seizor, and the Remainder
 to be Distributed by the Church-wardens
 and Overseers amongst the Poor of the
 Parish, where any such great Cattle,
 Sheep, or Swine, shall be Imported or
 found. *Stat. 18 Car. 2. Cap. 2. 20 Car.*
2. ca. 7. 32 Car. 2. Cap. 2.

The Seizor, Church-warden, or Over-
 seer, failing in his Duty, shall forfeit 40 s. on Seizor
 for every one of the great Cattle, and for neg-
 10 s. for every Sheep, or Swine, which *letting his*
 should have been so killed and distributed. *Duty.*
 One Moiety to the Poor of the said Parish,
 the other to the Informer, to be levied by
 Distress, and Sale of the Offenders Goods, *Commit-*
 by Warrant from any one Justice of Peace, *ment for*
 and for want thereof the Offender to be *want of*
 com- Distress.

committed to Gaol for three Months without Bail. 32 Car. 2. Cap. 2.

Mutton and Lamb to be Seized. Mutton and Lamb Imported, shall be subject to the like Seizures, and the Importers and Sellers to the like Penalties, as they are for Importing of Beef, Pork, or Bacon, and so it is for all Butter and Cheese, which shall be Imported from Ireland. 32 Car. 2. ca. 2.

A 2d Seizure may be made. And Note, That if any great Cattle, Sheep or Swine, which have been Seized, shall be found alive in any other Parish or Place, they are subject to a 2d Seizure, and to be killed for the benefit of the Seizor, and the poor of the Parish or place, in the same manner, as is ordered upon the first Seizure.

Intermixed Cattle all forfeited. And if there be any English, Scotch, or other Cattle intermixed with Irish Cattle, They shall all be deemed and forfeited as Irish. 32 Car. 2. ca. 2.

C H A P. VI.

The Constables Office about providing Carriages, &c. for the King.

THe Constables formerly, by many Statutes, had much to do in taking up Provisions and Carriages for the King and his Court: But by the Statute 12 Car. 2. Cap. 24. as concerning Provisions, It is Enacted, That no Pre-emption and (that is, a Priviledge of Buying before Purveyance others) shall be allowed the King, or any taken of the Royal Family, in or out of any away. Market; but the Subjects may dispose of their Goods as they please. Nor shall any Person, by colour of Purveyance, take any thing of any Subject without the Owners assent; nor shall require any to find Horses, Oxen, or other Cattle; or Carriages for any King or Queen, &c. without consent, as aforesaid.

And if any shall make Purveyance, or Purveyor impress any Carriage otherwise, one Justice committed and the Constable, at the request of the to Gaol. Party grieved, may commit him to Gaol, and Indict him next Assizes or Sessions, and the Party grieved may by Action recover treble Damages and treble Costs against the Offender. 12 Car. 2. cap. 24.

*Provision
made for
the Kings
Carriages
in his Royal
progress.*

6 d. a mile.

Forfeiture.

This Act confirm'd by 13 *Car. 2. cap. 7.* But it being found to be too prejudicial to the King, if the Subjects might not be forced at reasonable Rates to furnish the King with Carriages: Therefore by a Statute 13 *Car. 2. cap. 8.* It was provided, That the Clerk, or Chief Officer of the Kings Carriages, three Days before His *Majesties* arrival, should give Notice to the two next Justices to the place, to provide such a number of Carts and Carriages, which the Constables upon their Warrant are to Press and provide, each Cart furnished with four able Horses, or four Oxen and two Horses, to be paid six Pence a mile, for every mile they go laden, to be paid in hand at Lading, and not to go above one days Journey; which if any shall refuse without reasonable cause, he forfeits 40 s. to be levied by the Constable on a Warrant.

And if the Justice or Constable take any Bribe, to spare any fit person from such Carriages, or Press more Carriages than directed, he forfeits 10 l.

Note, this last Act is expired, and *prima facie* was revived, but was to continue but till the first Session of next Parliament, and therefore is now expired.

**Provision
for Carria-
ges by Land
and Water
for their
Majesties
use.*

*And by the Statute 14 *Car. 2. cap. 20.* two or more Justices by Warrant from Commissioners of the Navy or Master of the Ordnance, are to cause Constables to provide Carriages for 12 miles round from the

the place of Lading, who are to have
12 *d.* a mile for every Load of Timber,
and 8 *d.* a mile for every Tun of other 8 *d.* a mile.
Commodities; and such as refuse (being
warned) to send their Teams, forfeit 20 *s.*
But they must be paid in hand, and are to
Travel no further, nor work any longer
than the Justices shall order.

Note, this last Act was expired, but
revived again for 7 years, by an Act 17 *Jac.* 2.
and now again almost expiring.

C H A P. VII.

The Constables Office about Cloth, &c.

C O N S T A B L E S, on request to them
made, are to be aiding and assisting
to the Wardens and Assistants, to
regulate the Trade of *Worsted*s and other
Stuffs, called *Normich* Stuffs, made within
the City of *Normich* and County of *Nor-*
falk, 14 *Car.* 2. *cap.* 5.

*The Constables to assist
the Wardens for
regulating
Worsted, &c.*

Likewise upon request, they are to be
aiding and assisting to the President, War-
dens, and Assistants, for regulating the
making of *Kidderminster* Stuffs, within the
Burrough and Parish of *Kidderminster*, by
the Act 22 & 23 *Car.* 2. *cap.* 8.

*Also the
Wardens
for Kidder-
minster
Stuffs.*

Note, The High Constable has a further Power about Clothiers and Spinsters, of which more hereafter, when we speak of the High-Constable alone.

CHAP. VIII.

The Constables Office about Their Majesties Customs, &c.

Constables to assist those that manage their Majesties Customs.

ALL Constables, Headburroughs, and other the Kings Officers of the Admiralty ; Captains and Commanders of Ships, Forts, Castles, and Block-houses, &c. and other the Kings Subjects, are to be aiding and assisting to all and every person and persons, which are or shall be appointed to manage his Majesties Customs, and if molested therefore, may plead the General Issue, 14 Car. 2. cap. 11.

*Constables to search for uncus-
tomed
Goods.*

By the Stat. 12 Car. 2. cap. 19. Sheriffs Justices and Constables, are upon request to be aiding to any person having a Warrant from the Lord Treasurer, or any of the Barons of the Exchequer, or Chief Magistrate of a Port for the Search of uncus-
tomed Goods, who (with such Assistance) may enter into any House in the Day time, where such Goods are suspected to be concealed And in case of Resistance, may break open the House, and seize and secure such Goods.

*House may
be broke
open.*

But

But no House shall be entred by virtue *False In-*
of this Act, but within a Month after the *formation*
Offence supposed to be committed : And *and Da-*
if the Information whereupon any House *mages re-*
shall be search'd prove false, the Party *covered.*
injured shall recover full Damages and
Costs against the Informer, in an Action
of Trespass, 12 Car.2. cap. 19.

This Act confirmed by 13 Car. 2.
cap. 7.

Such as are authorized by Writ of *Ass-* *Writ of*
sistance out of the *Exchequer*, are to take *Assistance.*
a Constable, Headburrough, or other Offi-
cer, inhabiting near the place; and in the
Day time, to enter into any House, Shop,
Ware-house, &c. And in case of Resistance,
to break open Doors, Chests, &c. and there
to seize and bring away any prohibited *Seizure of*
and uncustomed Goods and Merchandizes, *Goods.*
and to secure the same in Their *Majesties*
Store house in the next Port, 14 Car.2.
cap. 11.

And the like provision is made by a
Statute 1 W. & M. for prohibiting Trade
and Commerce with *France.*

Taxes and Aid-Mony.

BY an Act 2 W. & M. for granting
an Aid to Their *Majesties* of the Sum
of 1651702 l. 18 s. viz. 137641 l. 18 s. 2 d.
by the Month, for 12 Months, from 25 De-
semb. 1690.

Constables - Constables are to assist the Collectors to
to distrain Distrain, and in the Day time to Break
and break open the Houses, and (upon Warrant from
open Houses, two or more of the Commissioners) the
&c. Chests, Trunks, &c. where the Goods are
 of such as refuse to pay their Assess-
 ments.

How to di- That where the Lands or Houses are
strain when unoccupied, and no Distress to be found,
the Houses, and thereby the Parish, &c. charged; the
&c. are Collectors, Constable, or Tithingman of
unoccupied. the Parish, Place, or Constablewick, at any
 time after may enter and distrain upon
 the Lands or Houses; and the Distress,
 being the proper Goods of the Owner of
 the Land, &c. if not redeemed within four
 days, by payment of the Tax and charge
 of Distress to sell, rendring the Overplus;
 and to distribute the Distress, proportiona-
 bly to the Parties who contributed to the
 Tax of the said unoccupied Lands.

How to le- If Wood-lands be Assess'd, and no Di-
vy the Tax stress to be had, the Collector, Constable,
upon Wood- &c. may by Warrant from two or more of
lands. the Commissioners of the Hundred, or
 Division, at seasonable times in the Year,
 cut and sell so much Wood as will pay the
 Assessment behind, and the charge inci-
 dent thereunto, rendring the Overplus;
 and the Party to whom it is sold, may
 sell, cut down, and dispose of the same
 to his own use.

If the Assessment be upon Tithes, Tolls, or Annual Profits, not distrainable, and not paid within 15 Days after demand; the Collector, Constable, &c. by like Warrant from the Commissioners, may seize and sell so much of the Tithes, Tolls, or other Profits so charged, sufficient for the Tax and Charges occasioned, rendering the Overplus, &c. ^{How upon Tithes, Tolls and Annual profits.} 2 W. & M.

CHAP. IX.

The Constables Office about Distress for Rent, &c.

WHere any Goods or Châttels shall Distress for be distrained for any Rent re- ^{Rent re-} reserved, and due upon any De- ^{reserved upon} mise, Lease, or Contract whatsoever; and Demise, the Tenant or Owner of the Goods so Lease, or distrained, shall not within 5 days (after Contract. such Distress taken, and Notice thereof, and Notice of of the Cause, left at the Dwelling-house, ^{the Distress} or most notorious Place on the Premises, charged with the Rent distrained for) Replevy the same according to Law: Then in such case the Landlord or Person distraining, may with the Sheriff, or Under-sheriff of the County, or with the Constable of the Hundred, Parish, or Place, where such Distress shall be taken (who are required to be aiding and assisting, therein)

therein) cause the Goods and Chattels, to be Appraised by two sworn Appraisers (whom the Sheriff, Under-Sheriff, or Constable are impower'd to Swear) and afterwards sell the same for the best price, towards the Rent and Charges of Distress, Appraisment, and Sale, leaving the Overplus in the Sheriff or Constables hand, for the Owners use, *Stat. 11 Maii 1690. primo Willielmi & Marie.*

Corn and Hay distrained for Rent.

And the like may be done as to Sheaves or Cocks of Corn, loose or in the Straw; or Hay in any Barn or Granary, or on any Hovel, Stack, or Rick (which before this Act were not distrainable.)

Corn and Hay not to be removed till default of Replevin, &c.

But note, That these last mentioned Goods, &c. are not to be removed from the place where found and seized; but to be kept there, as impounded, until the same shall be replevied within the time aforesaid, or sold in default of such Replevin, *11 Maii, 1 W. & M.*

C H A P. X:

*The Constable's Office about Ex-
cise.*

EXcise Men (*alias* Gagers) when *Constables* they intend to enter by Night in-*to assist* to the Houses of Brewers, Victu-*Gagers* allers, Distillers, &c. to Gage their Cop-*and Excise-* pers, Fats, or Vessels, or take an account *Men.* of their Beer, Ale, Wort, Perry, Cyder, Strong-Waters, Metheglin, Mead, Coffee, Chocolet, Sherbet, or Tea, brewed, made or distilled there, are to take a Constable along with them, 12 *Car. 2. cap. 23, 24.*

Note, the Excise of Coffee is now paid in the Berry, &c.

See *prim. W. & M. 25 Julii, 1689.* concerning Distillers of Strongwaters, &c.

Also Constables, &c. upon Warrant to *To levy Pa-* them directed from the Justices of Peace, *nalties up-* are to levy the Penalties upon the Goods *on the Of-* of the Offenders against the Acts for Ex-*fenders* cise, by distress and sale thereof, rendring *against the* the Overplus; and for want of Distress, to *Acts of* carry the Party to Gaol, till satisfaction be *Excise.* made, 12 *Car. 2. cap. 23, 24.*

The Constables are also, from time to *To summons* time, upon Warrant to them directed, to *Brewers,* summon all Alehousekeepers, &c. to appear *&c. before* before the Commissioners of Excise, at the *the Com-* Days and Places in such Warrants ap-*missioners.* pointed.

C H A P. XI.

About Fish.

*Constables
are to levy
the Penal-
ties upon
such as de-
stroy the
Spawn of
Fish.*

CONSTABLES and Churchwardens, by Warrant from a Justice of Peace, are to levy the Penalties upon such as destroy the Spawn and Breed of Fish along the Sea-shoar, or in any Haven or Creek, or within five Miles of the Mouth of any Haven or Creek, by fishing with Nets of a less Mesh than three inches and an half betwixt knot and knot, (except for the raking *Smoulds* in *Norfolk* only) or with a Canvas-Net or other Engin. The Penalty is 10 s. to be levied by distress and sale of the Offenders Goods.

Note, that in Corporations, the Penalty may be levied by the Head Officers, 3 *Jac.* cap. 12.

*To search
for Nets
and En-
gins, used
to destroy
Fish.*

Also Constables, upon Warrants from the Justices of Peace in the Counties of *Worcester*, *Salop*, and *Gloucester*, are to search for unlawful Nets or Engins (used to take Fish in the River of *Severn*) in all suspected Houses, and to seize the unlawful Instruments, and bring them to the Quarter-Sessions, to be destroyed, *Stat.* 30 *Car.* 2. cap. 9.

C H A P. XII.

About French Goods, &c. prohibited.

NOne shall sell, or offer to sale, *ex-Constables,* port, or import Foreign Bone-*&c. to* lace, Cut-work, Embroidery, *search for* Fringe, Band-strings, Buttons, or Needle-*French* work of Thread or Silk, on pain to forfeit *Goods im-* for selling, or offering to sale, as aforesaid, *ported.* 50 l. and the Goods themselves; and for importing, 100 l. and the Goods imported, the one moiety to the King, the other to him that will sue in Court of Record.

And the Constables, upon Warrant to them directed from the Justices of Peace, are to search for such Manufactures in Shops, being open Warehouses, and Dwelling-houses, and to seize them, *Stat. 13 & 14 Car. 2. cap. 13.*

By an Act *primo Williel. & Mar. for French* prohibiting Trade with *France,* Wines, *Goods to* Vinegar, Brandies, and other liquid Com-*be destroy'd.* modities, single or mixt, shall be staved, spilt and destroyed; and Linnens, Silks, Paper and other Commodities, mixt or unmixt, shall be publickly burnt and destroyed: And such Persons as presume, to take up or save any of the said Commodities so to be destroyed, shall forfeit 40 s. over and above *Forfeitures.* the Value of the Goods.

And

And the Persons importing, shall forfeit the full value thereof; and the Persons keeping or selling any such prohibited Goods, shall for the first Offence forfeit the full value thereof; for the second, double the value, and be disabled to execute any publick Employment whatsoever. And any person may seize such Goods, in whose custody soever, to the intent they may be destroyed.

Forfeitures.

And every Informer or Prosecutor, that shall by collusion or fraud, desist or delay his prosecution for any Offence against this Act, shall upon Conviction forfeit 500 l.

Constables to be aiding.

And all Sheriffs, Mayors, &c. Constables and other Officers, are enjoyned to be aiding in the due execution of this Act, in reference to the Commodities aforesaid.

Imprisonment.

If any person, not being a known Merchant, Vintner, or Shopkeeper, shall sell or expose to sale any such prohibited Goods, after Conviction in Their Majesties Court of Record, shall suffer 12 Months Imprisonment without Bail, above the Penalties aforesaid.

Ship. Forfeited 500 l.

The Ship or Vessel in which they are imported, shall be forfeited, and all the Furniture &c.

And the Master, or other Person, having Care of the Ship or Vessel in the Voyage, or out of which any such Prohibited Goods shall be unship'd, either at Sea or in Harbours, &c. into any Hoy or Boat, shall forfeit 500 l. And the Justices may by War-

Warrant apprehend him, and upon the Fact proved by two Witnesses on Oath, may commit him to the next Gaol for Imprisonment. 12 Months, without Bail or Mainprize.

And the Seamen, Mariners or any other person assisting at the unshipping or conveying of any the said Commodities, either by Land or Water, shall upon such Proof, be subject to like Imprisonment, or be publickly Whipt at the discretion of the Justice of Peace, before whom he shall be convicted. *Seamen, &c. Whipped.*

And the Carts and other Carriages, and the Cattle moving the same, shall be forfeited, one half to the Poor, and the other to the Seizor.

The Constables, &c. are (upon Warrant) to levy by distress and sale of Goods, the Forfeitures of such as sell Wine by Retail in Glass-Bottles, or other Measures not made of Pewter, and lawfully sealed; *Constables: to levy the Forfeitures on such as sell Wine by Retail in unlawful Measures.* viz. 50 s. for every Offence; the conviction to be by Confession or Oath of two Witnesses, before one or more Justices of the County, City, or Place where, &c. and the Offender to be prosecuted within 30 Days, Stat. 2 W. & M. for the better execution of the former Act.

And such as beat or abuse Informers, Officers, &c. in the due execution of this Act, may by the next Justice be committed to Prison till the Quarter-Sessions, and there be fined, not exceeding 5 l. and to remain till he be discharged by Order of the Justices, or two of them.

C H A P. XIII.

*About High-Ways, Hay-Carts and
Hogs, Streets and Bridges.*

*Constables,
&c. to
choose Sur-
veyors.*

*Stat. 5 Eliz.
cap. 13.
22 Car. 2.
cap. 12.*

*Fines upon
such as
make de-
fault.*

THE Constables and Churchwardens of every Parish, shall yearly upon Tuesday or Wednesday in Easter Week, call together some of their Neighbours, and then make choice of Two within the Parish, to be Surveyors of the High-Ways the Year following; who shall forthwith take that Office upon them, in pain to forfeit 20 s. apiece. The said Constables and Churchwardens shall then also nominate six Days betwixt that time and *Midsummer*, to be set apart for the amendment of the Highways, and shall give publick Notice thereof in the Church, the next Sunday after *Easter*, *Stat. 2 & 3 Phil. & Mar. cap. 8.*

By *Stat. 22 Car. 2. cap. 12.* they are to be chosen some day in *Christmasts* Week, by the Constables, &c.

The Stewards in Leets have Power to enquire after the breach of this Act, and to set Fines upon such as make default, at their discretion; and shall within six Weeks after *Michaelmas*, deliver indented Estitreats thereof under their Hands and Seals, viz. one to the Bayliff or High-Constable of the Liberty, and the other to the Constables and Churchwardens of the Parish where

where the default was made , 2 & 3 P. & M. cap. 8.

And in default of Presentment thereof in Leets, the Justices of Peace in Sessions shall enquire thereof , and set such Fines as they, or two of them (one to be of the *Quorum*) shall think fit, whereof the Clerk of the Peace shall deliver indented Estreats under his Hand and Seal, within six Weeks of *Michaelmas*, in manner , as aforesaid. And these Estreats of the Stewards of Leets, or Clerk of the Peace , shall be a sufficient Warrant for the Bayliff or Chief Constable, to levy the said Fines by way of Distress ; and if no Distress can be found , or the Party do not pay the Fine within twenty Days after lawful demand thereof, he or they shall forfeit double so much. All which Fines and Forfeitures shall be employed towards the amendment of the Highways , 2 & 3 P. & M. cap. 8.

The Bayliff, or High-Constable, shall yearly (betwixt the first of *March* and last of *April*, render unto the Constables and Churchwardens, unto whom the other part of the Estreats was delivered , a true account of the Mony received by him , in pain of 40 s. And the said Constables and Churchwardens have Power to call the said Bayliff or High Constable before two or more Justices of Peace (one to be of the *Quorum*) to pass his Account , who have Power to commit him , until he shall have satisfied all the Arrearages by him received,

received, save eight Pence in the Pound for his own Fee, and twelve Pence in the Pound for the Fee of the Steward or Clerk of the Peace; and in this case the succeeding Constables and Churchwardens have the same Power that their Predecessors had, 2 & 3 P. & M. 8.

The Fines assessed in Sessions upon the Statute of 5 Eliz. 13. shall be Estreated by the Clerk of the Peace, levied accounted and employed, as by the Statute 2 & 3 P. & M. 8. is provided.

*Constables
to levy For-
feitures in
default of
the Sur-
veyors.*

Upon a Warrant from two Justices of the Peace, the Surveyors are to levy by distress and sale of Goods, the Forfeitures upon the Statute of 18 Eliz. 10. in not scowring Ditches, &c. and if the Surveyors neglect to do it within one year after the Offence committed, the Constable and Churchwardens shall do it, according to the provisions of the said recited Statutes. Stat. 18 Eliz. 10.

*Constable
fined for
neglecting
his Office.*

And by a Statute 22 Car. 2. cap. 12. all Constables and Surveyors of the Highways, neglecting to put the Acts (touching repairing or enlarging Highways) in execution; or wilfully suffering any Waggons or Carts to pass in any other manner than by this Act is allowed, upon conviction thereof by one Oath before one Justice, or the Justices own view, shall pay such Fine (not to exceed 40 s.) as such Justice shall impose.

And

And by this Statute, no Carriage with *Forfeitures* any burthen (other than such as are em-^{of such as}ployed about Husbandry, and in carrying *Draw with* Hay, Straw, Corn unthresh'd, Coal, Chalk, ^{above five} Timber for Shipping, Materials for Build-^{Horses in}ing, Stones or Ammunition, or Attillery ^{length.} for the King's service) shall go in any Highway with above five Horses in length; and if any Draw with more Horses or Oxen, they shall all draw in Pairs, except one Horse.

And every Owner of any Waggon, Cart, &c. Horse or Beasts, shall forfeit for every Offence 40 s. whereof one Third part to the Surveyors, to amend the Highways; one Third part to the Overseers for the Poor; and one Third part to him who *To be le-* shall discover the Offender, to be levied ^{vied by} by Warrant to the High-Constable, or other ^{the Con-} Officer. ^{stable.}

The Surveyor upon neglect of any to *Penalties* come and labour, shall complain thereof ^{upon such} to the next Justices; who upon Oath of ^{as neglect} one Witness, shall levy for every days ^{to labour,} labour neglected, without a reasonable ^{towards} cause, 1 s. 6 d for every Man and Horse 3 s. ^{Repairing} and for every Cart with two Men, 10 s. ^{the High-} for each days neglect. ^{ways.}

And if any bring Actions against such as act by this Law, they must be laid in the proper County, and Defendants may plead the General Issue, and recover treble Costs, *Stat. 22 Car.2. cap.12.*

Note,

The Act for Note, That by an Act 20th. Decemb.
cleansing 2 Wi. & Ma. for Paving, and Cleansing
the Streets, the Streets in London and Westminster, the
&c. Out-Parishes in Middlesex, the Burfough
 of Southwark, and other places within the
 weekly Bills of Mortality, in the County
 of Surry,

Inhabitants It is Enacted, That every person of the
to sweep the Parishes in Middlesex, Westminster, South-
streets be- wark, and weekly Bills of Mortality, are
fore their twice in every Week, viz. Wednesday and
Doors. Saturday, to sweep the Streets before their
 respective Houses, Walls, and other pub-
 lick places, that the Dirt may be ready for
 the Scavenger, upon penalty of 3 s. 4 d.
 for every Neglect.

Penalties They are not to throw any Dust, Dirt;
on such as or Filth, in the Streets or Alleys, &c. up-
throw Dirt on penalty of 5 s. nor to cast any filth or
in the Noyfom thing into any publick Sink,
streets. Vault, Watercourse, or common Sewer, or
 High-way, or into any private Vault, or
 Sink, of any other Person, but are to keep
 it till the Scavenger come, and then de-
 liver it them, upon penalty of 20 s. for
 every Offence.

Keepers of The Keepers of their Majesties Houses,
their Maje- Stables, &c. And Keepers of Courts of
sties Houses, Justice, and other publick places, are ly-
&c. able to these Forfeitures.

Hooing and They forfeit 20 s. who Hoop, Wash, or
washing of Cleanse any Pipes, Barrells, or other Vef-
Barrells, &c. sels, in any Streets, Lanes, or open Passa-
in the ges, and they forfeit the like who set out
streets. any Dung, Soyl, Rubbish, or empty
 Coaches

Coaches to make or mend, or rough Timber, or Stones to be sawn or wrought in the streets.

Scavenger every day, except Sunday, Penalties on shall bring Carts, &c. and give notice by the Scavenger-Noyse, and stay a convenient time till gers. Dult, &c. be brought out to them, on Forfeitures. penalty of 40 s. for every neglect.

All open streets shall be repaired by Open streets House-holders, and where the Houses be how to be empty, by the Owners, upon penalty to for-repaired. feit 20 s. for each Perch, and 20 s. for Forfeitures. every week after, till sufficiently paved.

One Justice of Peace or more, where New streets any new street is made, may view it, and how to be (if judged fit to be paved,) to certify under parved. hand to the next Quarter Sessions of the Forfeitures. Peace, who are to order therein as they shall think fit; and the Owners of every New-Built-house, or Inhabitants, are required to obey such Orders, and the Offender forfeits 40 s. for each Perch, and the like for every week, till the same be paved.

This not to invalid any Custom or usage to the contrary.

The Parishes of S. Ann, and S. James, Parishes of in the Liberty of Westminster, shall choose S. Ann &c. Scavengers as by former Acts, and the Rates and Rates and all other things shall be accord-other things ing to the Custom and Usage of the said Custom of City, where not otherwise in the said Acts the City. provided.

*Scavengers
how to be
Chosen.*

All the other Places and Parishes, upon Monday or Tuesday in Easter week, by the Constable, Churchwardens, Overseers, Surveyors of the Highways, and such other Inhabitants as are usually present at the Election of Parish Officers, or the greater number of them, shall make choice of two or more able Tradesmen to be Scavengers for the Year next ensuing, and until others be Chosen, &c. who being approved and confirmed under hand of two Justices, shall within 7 days take the Office upon them, upon pain to forfeit 10 l. In which case others to be Chosen in manner aforesaid, within 7 days after such refusal, who shall be lyable to the like forfeitures.

*Constables
to levy these
Penalties by
Distress.*

The said Penalties to be levyed by Distress and Sale, by Warrant from one Justice of the Place, directed to the Constables or other Officers of the same Parish, or any two or more of them, rendring the overplus; reasonable Charges to be deducted for making the Distress.

*Penalties
how to be
disposed of.*

The said Penalties to be paid to the Surveyors of the Highways, and disposed of by them towards mending and repairing the Highways, and Streets of the same Parish, Ward, or Division.

*Imprisonment for
lack of Distress.*

In default of Distress, within 6 days after demand, and not paid, or after notice in writing left at the House, to be committed to common Gaol, by any Justice to remain until payment.

Within

Within 20 days after the Election and Constables, Confirmation of the Scavenger, The Con- &c. to make stables, Churchwardens, and Overseers, a Tax for Surveyers, or the greater number of them, the Scavenger shall make a Tax to a pound Rate uponger, to be the Inhabitants, which allowed by two Ju- paid by the stices, and being equal and reasonable, Inhabitants shall be Quarterly paid upon demand to the Scavenger.

In case of refusal, shall by Warrant of Distress. two Justices be levied by Distress, &c. Imprison- and for want of Distress, by Imprisonment ment. till payment.

Moneys Collected, shall be accounted Scavenger for by the Scavenger to two of the next to account. Justices, within 28 days after a new Sca- venger Elected.

And what remains in hand, to be paid to the new Scavenger.

Those who refuse to account, shall be Refusal to committed to Prison, to remain without account and Bail, until a true account made, and what Imprison- in their hands paid, &c. ment.

For repairing several High-ways in the Assesment said Parishes, an Assesment may be made for repair on all Inhabitants, &c. to be allowed by of the High the Justices at their Quarter Sessions, and ways. levied by such persons as they shall direct: And what raised to be employed according to the directions of the Justices towards repair of High-ways, and to be Distress levied by Distress and Sale, if not paid and sale. within 14 days.

*Assessment,
what.*

No such Assessment shall exceed in any one Year, 4 *d.* in the Pound for Real, and 8 *d.* per Pound for Personal Estates.

*Concerning
Sewers.*

Touching new Sewers, Sinks and Vaults made since 12 *Car.* 2. they shall be subject to the Commission and Statute for Sewers, as if they had been therein mentioned: And the Commissioners Power touching them is the same.

*Penalties
on such as
hang not
out Lights.*

Also for Lighting the Streets in the Night, in any of the said Parishes or Places; It is Enacted, That every Householder, from *Michaelmas* until *Lady-day* yearly, whose House is near the Street, shall hang out Candles, or Lights in Lanthorns, every Night on the outside, from the time it grows dark until 12 in the Night, upon pain of 2*s.*

*On such as
stay their
Carts too
long in the
Hay-mar-
ket, &c.*

None shall suffer their Cart to stand in the Hay-market near *Piccadilly*, or in *Southwark*, or any Place within the Bills of Mortality, loaden with Hay or Straw to sell, from *Michaelmas* till *Lady-day*, after Two of the Clock in the Afternoon; and from *Lady-day* till *Michaelmas*, after Three of the Clock, in pain of 5*s.*

*How much
Trusses of
Hay must
weigh.*

Every Truss of Hay between the 1st of June and 31st of August, being new Hay, shall weigh 60 pound, old Hay 56 pound: And those that after the 1st of December 1690, shall offer to sell Hay of less weight, shall forfeit for each Truss 18 *d.*

The

The Conviction of these Offences, to be *Constables*, either by the View of one Justice, Con- *&c. to levy* fession of the Party, or one Witness upon *the Penal-* Oath. The Penalties of all the said Offences *ties of these* to be levied by distress and sale, by the *Offences.* Constables or Headburroughs, upon War- rant under Hand and Seal of one Justice, rendering Overplus.

In default of Distress, or Payment, with- *Imprison-* in six Days after demand or notice, left *ment for* by the Constable, &c. at the Offenders *lack of* House, Offender is to be committed to the *Distress.* Common Gaol by Warrant from one Justice, to remain until payment.

The Forfeitures to be disposed, one *Forfeitures*, moiety to the Overseers for the Relief of *how to be* the Poor of the Parish where the Offence *disposed.* is committed; the other, to him or them that shall discover and prosecute for the same, in case the conviction be by discovery and prosecution. But if by View of the Justice, &c. then the whole to the Poor, unless and if for a default of Payment; then one moiety to be towards the repairing and cleansing the Streets, to be paid to the Scavengers.

And note by this Act, The Wheels of *Penalties* Carts, Carrs, and Drays, used for Carriage *on such as* from place to place in the Cities of *Lon-* *make the* *don* and *Westminster*, and Parishes afore- *Wheels of* said, where the Streets are Payed, shall *their Garts*, contain six Inches in the Felley in breadth, *contrary to* without any Iron-work, and to be drawn *the Sta-* only by two Horses, after they are up the *tute.* Hills from the Water-side, upon penalty
of

of 40 s. every time, to be levied, as aforesaid: But this Act not to extend to Country Carts, or Wagons, bringing Goods to the Cities or Places aforesaid; or that shall carry any Goods half a mile beyond the Paved Streets of the said Cities and Places.

Forfeitures on Hog-Keepers in London, Westminster, &c. And note further, That no Person in London, Westminster, Southwark, or the Parishes aforesaid, shall breed, feed, or keep any sort or manner of Swine within any part of the Houses or Backsides of the Paved Streets, where the Houses are contiguous, upon pain of forfeiting them to the Churchwardens and Overseers of the Poor of the Parish, for the use of the Poor.

The Swine, &c. forfeited. The Constable, Churchwardens, Chapel-wardens, Overseers, Beadles, Headboroughs, or Tithingmen of the respective Parishes, &c. or any of them, may by Warrant from the Mayor of London, or any other of their Majesties Justices of the Places respectively, search to find such Swine, and to seize and sell them; and to deliver the Mony to the Churchwardens or Overseers, to be distributed to the Poor, as they shall think fit.

London Streets, how to be cleansed and kept.

And for cleansing and keeping clean the Streets, Lanes, and Passages of London, and the Liberties thereof, It is Enacted, That the same shall be ordered and managed, and Rates and Impositions laid and levied, and all other ways and means used and observed, according to the ancient usage and custom of the said City.

The

The Lord Mayor, or any Alderman of *Nuisances* the City, upon his own proper knowledge *there pre-* and view, may present in open General *sented.* Sessions, the laying of any *Affes, Soil, Dust,* or Rubbish, or other nuisance or obstruction in the Streets, Lanes, or Passages: And the Lord Mayor and Justices at the Sessions, may thereupon immediately assess Fines, not exceeding 20 s. for any one Offence; and the Fines shall be levied and paid to *Fines assess-* the Chamberlain of the City, for the use of *sed and* the City, to be employed in the publick *levied.* Payments of the same City.

And such as shall be Prosecuted for a *General* ing by virtue of this Statute, or the Statute *Issue plead-* made 23 *Car. 2.* for the better Paving and *ed, and* Cleansing the Streets and Sewers in and *Acts given* about the City of *London,* may plead the *in Evi-* General Issue, and give the said Acts, or *dence.* either of them in Evidence, 2 *W. & M.*

Four Justices are authorized to allow a *Tax for* Tax, for Repair of any decay'd Bridges in *Repair of* the High-way; which must be assessed by *Bridges in* the Constable, and two of the sufficientest *the High-* Inhabitants in the Parish. *ways.*

But this is where a Common Bridge in the Kings Highway is in decay, and that it cannot be proved, who, nor what Lands are chargeable to the Repairing thereof, *Stat. 22 H. 8. cap. 5.*

C H A P. XIV.

About Horses.

*Constables
to measure
Stoned-
Horses.*

Constables have something to do in assisting such as seize (for any Man may seize) Stoned-Horses of lesser stature than is allowed by the Statute, and to measure the same; viz. any Stoned-Horse being Two years old, and not Fifteen Hands high, from the lower part of the Hoof to the upper part of the Wither, on pain of 40 s. between the King and Prosecutor, such Horses being put to feed upon Forests or Commons, (Except Commons where Mares are not usually kept) Stat. 32 H.8.13. 8. Eliz. cap.8.

But if such Horses make an Escape into a Common, he is not to be questioned.

Fen-Grounds of the Isle of Ely, and of the Counties of Cambridge, Huntingdon, Northampton, Lincoln, Norfolk or Suffolk, are excepted, and there the Horses need be but 13 Hands high. *Ibid.*

*And to
assist at
the Dri-
ving of
Forests.*

Constables also are to assist at Michaelmas, or within 15 days after, to drive Forests and Common Grounds, on pain of 40 s. And they may also drive them at any other time; and so may the Keepers and Owners of the Ground, 32 H.8.13.

This Act extends not to Cornwall.

C H A P. XV.

About Hunters and Hunting-Dogs, &c.

Constables, &c. upon a Warrant under the Hands and Seals of two or more Justices of the Peace, have Power to search the Houses of Persons suspected, and not qualified to keep Dogs, or Nets, Snares and Engins, to take Pheasants or Partridges, &c. and may take away their Dogs, and cut their Nets, &c. *Stat. 7 Jac. cap. 11. 22 & 23 Car. 2. cap. 25.*

Also to levy upon a Warrant from a Justice by distress, the Forfeiture of such as course, kill, hurt or take away Deer, Conies, &c. in Parks, Warrens, or other Grounds, where they are kept, *13 Car. 2. cap. 10. 22 & 23 Car. 2. cap. 5.*

See *Wingate's Abridgment, Tit. Hunters and Hunting.*

CHAP. XVI.

About Malt.

*Constables
to view
and sell
Malt badly
made.*

Constables and Bayliffs of Towns ought to view and search the Malt there made or put to sale; and if they find any ill or deceitfully made or mingled, they may with the Advice of any one Justice of Peace, cause the same to be sold at such Rates as the Justice shall think fit.

*When Malt
may be
said to be
badly made.*

And therefore observe, That Malt is said to be ill made, and deceitful, if in the making thereof it be not in the Fat-floor, steeping and drying three Weeks at the least; (Except in June, July or August, and then 17 days may serve): Also when by Rubbing, Treading and Fanning, the Makers have not taken out of every

Forfeitures.

Quarter half a Peck of Dust or more; (for which neglect he forfeits 20 s. a Quarter, for every Quarter thereof sold) Or if it is made of Mow-burnt or spiced Barly, or mixed good and bad together; (for which mixing the Seller forfeits 2 s. for every Quarter thereof sold); and these Forfeitures are to be divided betwixt the King and the Prosecutor, and the Prosecution must be within one Year.

But this extends not to such as make
Malt for their own provision, *Stat. 2 Ed. 6.*
cap. 10. 21 Jac. 1. cap. 28.

See *Dalton's Just. Peace*, fo. 87.

CHAP. XVII.

About Physicians.

Constables and other Officers in *Lon-Constables*
don, and within seven miles round, to aid the
are to be aiding and assisting to Colledge of
the President of the Colledge of Physicians; *Physicians.*
and all Persons authorized by the said Col-
ledge, for the due execution of the Laws
and Statutes relating to the said Colledge,
Stat. 1 M. Parl. 1. Sess. 2. cap. 9. 14 H. 2.
cap. 5.

C H A P. XVIII.

About the Plague.

*Constables
to punish
such as be-
ing Infe-
cted, go
abroad.*

IF the Constable Command any Person infected with the Plague (from which the Lord in mercy deliver us) to keep his House, and notwithstanding such Person shall wilfully go abroad and converse in Company, having any infectious Sort on him, it is accounted Felony in such infected Person so to do; and tho' he shall have no Sore appear about him, he may for his Offence, by the Appointment of a Justice of Peace, be punished as a Vagabond, and also bound to his Good Behaviour for a Year.

*To levy
Monies for
the Relief
of the Poor
Infected.*

Also the Constable, or other Officer, which wilfully neglects to levy the Tax as shall be appointed by the Justices or Head Officers, for the Relief of the Poor infected with the Plague, forfeits for every Offence Ten shillings, *Stat. 1. Jac. 1. cap. 3 1.*

C H A P. XIX.

*About Quarter-Monies for Maimed
Souldiers, &c.*

Constables and Churchwardens are Constables to levy by distress and sale all to levy Monies rated on any Person, with Monies for in their respective Limits, for the Relief of poor maimed Souldiers and Mariners, poor Maim- and are to pay it to the High Constables, and Souldiers upon the forfeiture of 20 s.

Quartering Souldiers.

Note, That Constables, Headburroughs, Souldiers, and other Chief Officers of Towns how to be and Villages within England, Wales, and Quarter'd. Berwick, and no others are to Quarter and Billet Officers and Souldiers in Their Majesties Service in Inns, Livery-Stables, Ale-houses, Victualing-houses, and all Houses selling Brandy, Strong-Waters, Cyder, or Metheglin by Retail, to be drunk in their Houses, and no other; and in no private Persons whatsoever.

And if any Constable, &c. shall Quarter Souldiers upon any private House, without consent of the Owner, he shall be liable to the parties Action for Damage.

If any Military Officer shall take upon him to Quarter Souldiers otherwise, or abuse the Mayor, Constable, &c. or menace them to discourage them in their Duty, by this Act, such Military Officer shall be *Ipso facto* cashiered.

Note, The Conviction by two Witnesses before two Justices of the Peace or more next adjoining, are to pay it to the High Constables upon the forfeiture of 20 s.

*For Releif
of Prisoners*

They are also in the same manner to levy such Rates as are made for the Relief of the Prisoners in the *Kings Bench*, and *Marshalseas*, and also of Hospitals and Alms-Houses, and for Releif of the Poor in their County, and this they must likewise pay to the High-Constables, on forfeiture of 10 s. *Stat. 43. Eliz. cap. 3.*

See after in the Duty of *High-Constables*, Chap. 22.

CHAP.

C H A P. XX.

About Tobacco.

THe Acts for preventing Tobacco Tobacco Planting, being expiring, were *planted, &c.* revived 19. *Mat. 1 Jac. 2.* for to be destroyed 7 years, and thence to the end of the next *ed by the* Session. And by these Acts, all Sheriffs, *Constables,* Justices, Constables, &c. upon Informati- &c. on, that there is any Tobacco set, sown, or planted, or growing within their Precincts, are within 10 days to cause the same to be Burnt, Pluckt up, or destroyed, except it be in a Physick-Garden, or in *Exceptions.* other private Garden, and not exceeding one half of a Pole, in any one place or Garden. 12 *Car. 2. cap. 34.*

Persons resisting the Officers, forfeit *Forfeitures* 5 *l.* and may be committed till they enter and *com-* into Recognizance with Sureties, not to do *mitment.* the like again. *Ibidem & Stat. 15 Car. 2. cap. 7.*

The Constables are also upon Warrant, *Present-* to search and present at the next *Quarterment and* Sessions, the said Offence of sowing, plant- *Conviction.* ing, or making Tobacco, and their presentment shall be a Conviction, except the party Traverse the same. *Stat. 22 & 23 Car. 2. cap. 26.*

Constables forfeiture. And by this last Stat. Constables, Tythingmen, &c. are within 14 days after Warrant, from two Justices, to destroy all Tobacco planted, or growing in any Ground, upon forfeiture of 5 s. for every Rod unconsumed, and so proportionably betwixt the King and Prosecutor.

Forfeitures of persons Resisting. Persons Resisting, shall forfeit 5 l. to be levied by Distress and Sale, or be committed for three Months, and such as refuse to assist the Constable upon Conviction before two Justices, forfeits 5 s. or to be committed for a Week. 22 & 23 Car. 2. Cap. 26.

Exceptions. Physick Gardens, and Gardens for Chyrurgery are excepted: The Officers and Assistants being sued hereupon, may plead the General Issue, and give the special matter in Evidence. *Ibidem.*

C H A P. XXL

About Weights and Measures.

IN every City, Burrough, and Market *Where com-*
 Town, there ought to be common *mon*
 Weights and Measures sealed, at *weights, &c.*
 which the Inhabitants may freely weigh, *ought to be*
 and the cheif Officers of such places, whe- *kept.*
 ther they be Constables, Bayliffs, &c.
 are upon request to mark and sign such
 Weights and Measures to any of the Kings
 Subjects, taking for the marking of every *Weights to*
 Bushel one Penny. *Stat. 8. H. 6. ca. 5. be marked.*
Stat. 11. H. 7. cap. 4.

And Constables are required to search *Constables*
 and examine, if any buy or sell by any *to search*
 other Bushel than *Winchester* measure, *for, seize*
 which contains 8 Gallons to the Bushel or *and break*
 Strike, and sealed by the Clerk of the *unlawful*
 Market ; and if any person doth not strike *Measures.*
 the same even with the brim ; and any
 Constable may seize and break such other
 Measure, and present the Offender at the
 next private or Quarter Sessions. *Stat. 12.*
Car. 2. cap. 8.

C H A P. XXII.

The Power and Duty of a High-Constable alone, as it is limited to him in particular.

High Constables duty about Clothiers, &c.

Forfeitures.

Commitment.

High-Constables to search, seize and sell Tenters, &c.

THE High-Constable, or Constable of the Hundred, may hear and determine the Complaints of Clothiers, Drapers, their Carders, Spinners, and other Labourers. For by the Stat. 4 Ed. 4. Chap. 1. Clothiers and makers of Cloath, are to pay their Carders, Spinners, and other Labourers in ready money, and not in little Wares, or other things, upon pain to forfeit three times so much as their Wages. And they must deliver them their Wool by due weight, and the Carders, Spinners, Fullers, Dyers, Sheermen, and other Labourers, must do their work faithfully, upon pain of forfeiting double damages; and the High-Constable may upon due examination of the Parties, determine the Duties, Forfeitures, and Damages, and upon Nonpayment of the same, may commit the Party to the Gaol, till payment be made.

The High-Constables are also impowered to enter into any place, to search for any Tenters, Ropes, Rings, Head wrenches, or other Engins for stretching of Cloth; and if they find any, to deface them,

them, and if the Owners shall afterwards make use of them, the High-Constables, may seize and sell them, and distribute the mony to the poor. *Stat. 39 Eliz. cap. 20.*

It is also the Duty of the High-Con-Constables stables, to pay over to the Collectors, ap-to pay over pointed by the Justices at the Quarter Sessi-the money, ons, what Mony they receive from the for the Re-Churchwardens, assessed on any Parish for leif of poor the Relief of poor Prisoners, and this they Prisoners. must do on the penalty of 5 l. *Stat. Penalty. 14 Eliz. cap. 5.*

And they are to pay over as aforesaid, what moneys they shall so receive for the Relief of poor Prisoners, in the Kings-Bench and Marshalseas, under pain of 20 s.

And so of moneys received for the Relief of maimed Soldiers, and Mariners, *Maimed Soldiers, &c.* upon pain of 40 s. *Stat. 43 Eliz. cap. 3.*

See before Chap. about Distress, Highways, Quarter-moneys, &c.

C H A P. XXIII.

*Concerning the CONSTABLES
of London.**Difference
between
London
Constables
and others.*

THere is some difference both in the Election, Oath, and Office, of these Constables, and the Constables before treated of, though their Office in common extend to such things as are generally spoken of before; yet by Custom and Acts of Common Council, there are some particulars wherein they vary: And therefore observe,

Freemen.

That such as may be Constables in London, are to be Freemen of the City.

*Constable of
the Ward.*

This City is divided into 26 Wards, and every Ward into 26 Bounds or Precincts, and for every Precinct there is a proper Constable.

*How these
Constables
are appoint-
ed.**On S. Tho-
mas's Day.*

These Constables are nominated and represented by the Inhabitants of the Parish, or Precinct, in the Vestry; and on S. Thomas's Day, at the Wardmote (if thought fit) confirmed, or else excused, and another appointed in his place.

*Twelfth-
Day.*

After they are approved and confirmed at the Wardmote, they are to appear in Guild-Hall, at the Court of Aldermen, there holden on Monday next after Twelfth

How Sworn. Day, to be sworn. See Galtthorps Reports page, 129.

The

The substance of their Oath is,

First, To keep the King and Queens *The Oath.*
Peace to their power.

Secondly, To arrest such as make Affrays, Riots, Contests, or Debates in breach of the Peace, and to lead them to the House or Counter of one of the Sheriffs, and in case of Resistance, to make Outcry on them, and to pursue them from Street to Street, and from Ward to Ward, till they be arrested.

Thirdly, To search (at such times as they shall be thereunto required, by the Scavengers or Beadles,) the common Noyfance of their respective Wards, and upon the like request, to help the Beadle and Raker to gather their Salary and Quarterage.

Fourthly, To present to the Mayor and Ministers of the City, such Defaults and Things as in their respective Wards, are done against the Ordinance of the City.

Fifthly, To certify to the Mayor and Common Council of the City, the Names of such persons that let or hinder these Constables in the doing their Office.

Sixthly, To certify and shew, (once at the least in every Month,) to one of the Clerks of the Mayors Court, and in the same Court, the Names and Surnames of all Freemen, which they know to be Deceased, within the respective Parishes where such Constables Inhabit; and also the Names and Surnames of all the Children of all such Freemen so Deceased, being Orphans of the City.

Note,

*Deputy
hired.*

Note, It is allowed, that such Person as is nominated and chosen for this Office, may hire a Deputy to serve in his stead; and if the Deputy be thought fit and duly qualified for the Place, he is to be Sworn, and must answer for his own Defaults.

*Deputy
sworn.*

*The Arms
of the King
and the
City.*

Such as are chosen and admitted to the Office of Constable in London, are obliged to put the Kings Arms, and the Arms of the City over his Door, or (if he live in an Alley) at the End of the Alley towards the Street; to signifie, that a Constable lives there.

*The extent
of a London
Constables
Authority,
as to War-
rants, &c.*

Note also, That a Constable of London hath power to serve Warrants, and execute his Office (if required) throughout the whole City.

** To certifie
Names and
Dwellings.*

* It appears by the Articles of the Wardmote Inquests, That every Constable is from time to time, to certifie to that Inquest the Name, Surname, Dwelling-place, Profession and Trade of every Person, who shall newly come to dwell within his Precinct, and to make and to keep a perfect Roll thereof.

Also to search and enquire, at least once a Month, what Persons be newly come to lodge and sojourn there: And if he find by their own Confession, or by the Record of any of the Books of any Alderman of the City, That such new Comers are Indicted, or cast out of any other Ward for their bad Life and Disturbance, and refuse to find Sureties for their good Behaviour, they and their Landlords, or

Re,

Receivers, are to have Warning, that they *Warning* depart, and if they refuse to depart, they *to depart* may be Imprisoned, and their Landlords *Imprison* Fined to as much, as he was to have Rent *ment* for one Year, for his House or Room so set *Fine*. to these new Comers, *Calt. Rep. 138*.

The Common Prisons for Offenders in *The Com-* London, are *Bridewell* and the *Compters*; *mon Pri-* to the last of which the Constables may *sons of* send such Persons as are taken upon the London Watch abroad late at Night, and appear unruly or suspicious.

And as to keeping the Watch in this *About* City, you may observe, That in every Ward *keeping* there are a certain number of Watchmen *Watch in* appointed by Act of Common Council: *the City*, And by Custom, all the Constables in each Ward attend by Turns, one every Night, according to his Turn, to go the Rounds, and take care of such other things as belong to his Office.

And the Constable and Beadle, every Night, are to warn such Persons as are to Watch in their several Precincts; and if those Warn'd do not appear, the Constable usually appoints Hired men in their steads, who are to pay the Constable therefore, according to the Custom of the City; and if they Refuse to pay, the Lord Mayor will compel them.

C H A P. XXIV.

*Of the Duty and Office of Church-wardens.**Church-wardens, how chosen.*

THese Officers are very Ancient, and are to be chosen in every Parish yearly, by the Consent of the Minister and Parishioners in *Easter-Week*. If the Minister and Parishioners cannot agree in their joynt Choice, then the Minister may choose one, and the Parishioners another, *Book of Canons, 1 Jac. 1. An. 1604.*

Custom.

But this Canon shall not prejudice a Custom to choose otherwise.

Their Care.

These Officers are to take care for the providing and preservation of the Goods of the Church; as the *Books, Communion Plate*, and other decent Ornaments and Furniture of the Church, during their Office.

How they may Purchase, &c.

And they may by the Name of *Church-wardens*, purchase moyeable Goods or Chattels; and also sue or be sued, for or about such Goods, for the use and benefit of their Parish, 12 H. 7. fo. 27.

Action for taking Goods out of their possession.

And if they be once possessed of any Goods or Ornaments belonging to the Church, and any person steal them, take them away or abuse them, they or their Successors may have their remedy at Common Law by Indictment or Action, as there

there is occasion, and recover to the use of the Parish.

But if things be given to the Church-Equity for wardens by Will, as Money, or other Goods, givable things, of which they never had *ven, where* possession, they have no way to recover *of they had* them, but in the Spiritual Court, or in *no possession* Equity.

See 3d part of Cook's Rep. Hadman's Case, Kitchin p. 277. Finch's Law l. 2. c. 17.

Neither can they prescribe to have Lands *Prescription for* so them and their Successors.

If a Man make and set up a Pew in the *Lands* Church, or hang up a Bell in the Steeple, *A Pew* they thereby become Church Goods, (tho' built in the he do not expressly give them to the Church, &c. Church) and he, nor his, nor any other may afterwards take them away; but the Churchwardens may sue him or them that do it, 10 H. 4. fo. 9. Kitch. p. 277.

Yet they have no such property in the *They may* Goods of the Parish, as that they can not impair give, sell, release, hurt or impair them; *the Goods* but if they do, the Parishioners may elect of the *Pa.* New ones before the Year be out, and *risb.* the New ones may have an Account against the others, 2 Ed. 4. fo. 7.

If the Organs be taken out of the *Organs.* Church, the Churchwardens may have an Action of Trespass for the same though the *Action.* Vicar took them, because they belong to the Parishioners, and not to the Parson: As was Adjudged in the Kings Bench, Trin. 12 Jac. 1.

But

*For Estate
of Lands,
&c. the
Vicar, &c.
must bring
the Action.*

But as touching any Estate of Lands, or Profits of any Lands, the Churchwardens cannot intermeddle; and if any Person break the Walls, Windows, or Doors of the Church, eat up the Grass, or cut down the Trees in the Church-yard; the Parson or Vicar, and not the Churchwardens must have the Action, 8 H. 6. fo. 9.

*Prohibition
granted.*

If the Churchwardens prosecute Causes in the Spiritual Court, which are meerly Temporal, Writs of Prohibition will be granted against them, *Roll's Cases 2d part, 286, 287, 289.*

About the Seats in the Church.

*To Repair
the Seats
in the
Church.*

THe Churchwardens are to Repair the Seats in the Church; but the Ordinary or Bishop of the Diocese ought of common Right, to place or displace such as shall fit therein.

*Prescrip-
tion for
Seats.*

Except such Seats in Chapels, as belong to Noble-men; and such other Seats, as any Person can prescribe to sit in by reason of his Estate, descended from his Ancestors, &c. But then he must prescribe, That he and his Ancestors, whose Estate he hath, had used to Repair such Seat, &c. and to sit there, *Roll's Cases 2d part, fo. 288.*

*To Repair
the Bo-
dy of the
Church, &c.*

These Churchwardens also, by the Common Law, are to see to the Repairs of the Body of the Church and Steeple; but the Chancel is to be Repaired by the Parson.
And

And the Churchwardens are not bound to Repair any part of the Church or Isle, which any man claims by Prescription, to *Prescription.* him or his House.

Also they are to take care, That the Church-
Church and Church-yard be kept clean and *yard.*
decent.

Also to provide Books of Common-*To provide*
Prayer, Books of Homilies, a Parchment-*Ornaments*
Book for Registring Christnings, Wed-*and other*
dings and Burials. *Requisites.*

Also, Fonts, Pulpits, Tables, Alms-
Chests, Communion Cups, and other Or-
naments and Furniture requisite; and a
Chest with three Locks and Keys wherein
to keep the same.

Also Bread and Wine for the Sacrament,
according to the number of the Commu-
nicants, 37 H.6.30. 12 H.7.10.

Now for defraying the Charges of these Church-
things, the Churchwardens (with the assent *wardens*
of the Major part of the Parishioners) *make*
usually impose Rates upon the Parish. *Rates, &c.*

But its said, That if the Parishioners
(upon publick Notice for that purpose
given them) do not assemble, the Church-
wardens and Overseers of the Poor, or the
greater part of them, may make the Rate.

See 5 Co. Rep. fo. 65.

But here Note, That persons are *How the*
chargable towards the Reparations of the *Parishio-*
Church, in respect of their Lands. *ners are*
chargable.

And

And toward the Church Ornaments, and other Requisites for Worship and Service, in respect of their Dwelling, or Habitation, or Personal Estate,

See Roll's Cases 2d part, fo. 291.

These things hereafter mentioned, are accounted Church Reparations; viz.

What are accounted Church-Reparations. The Walls of the Church, and Church Steeple.
The Church-yard Walls, of Stone or Brick, &c.

The Windows, Iron-Bars and Glass.

The Roof of Timber, with Laths, Nails, Priggs, Dogs and Bolts of Iron.

The covering of Lead, Tiles, Slates, or Shingles.

The Floor with Stone, or Paving-Tile.

The Doors with Locks and Keys, Stairs, Floors, Bells, Wheels and Ropes in the Steeple.

The Pulpit and the Pews (or Seats, not made by Private men by Custom.)

Land Rate. All these are to be done by Land-Rate, though the Occupier of such Lands live in another Parish.

These hereafter mentioned, are accounted Church-Ornaments, &c. viz.

What are accounted Church Ornaments, &c. The Communion-Table, and Coverings thereof.

The Communion-Cups, the Bread and Wine.

The

The Bible, and other Books appointed to be kept in Churches.

The Surplice, Pulpit-Cloth and Cushion, Washing the Communion-Cloaths and Candles.

The Clerks and Sexton's Wages, and the Expences of Churchwardens and Side-men, about the necessary Affairs of the Parish.

And all these are to be Rated upon the Inhabitants of the Parish, and not on Out-dwellers.

Churchwardens are to make Presentments Present-according to the Articles delivered them, ments, and according to the Canons.

They are to see, That all their Parish- *That the* oners resort to Church Sundays and Holy- *Parishio-* days. *ners resort*

They are not to permit any to stand Idle, *to Church.* Walk, or Talk in the Church-yard, &c. *Can. 19.*

Vide the late Act of Indulgence, & vide antea.

They are to suffer no Plays, Feasts, *To suffer no* Drinkings, &c. or other profane Usage to *Plays, &c.* be kept in the Church, Chapel, or Church- *in the* yard; nor the Bells to be Rung without *Church.* good cause, to be allowed of by the Minister and themselves. *Can. 88.*

They are to suffer no man to Preach *Licence to* within their Churches or Chapels, but *Preach.* such as shall shew their Licence; and also to see that the Peace be duly kept in the Con-

Excommunicated Persons.

Churchwardens to Account.

Action of Account.

Allowances.

In what Acts Churchwardens must joyn with Constables.

Congregation; and that all Persons Excommunicated be kept out of the Church, *Can. 50. & 85.*

At the end of their Year, or within one Month after, they are to give a just Account of what they have received and disbursed, and to deliver up what Mony, or other things belonging to the Church, they have remaining in their hands, to their Successors by Bill Indented: And if they refuse so to do, they may either be Presented at the next Visitation Court; or else the succeeding Churchwardens may have an Action of Account against them for the same at Common Law: But they shall be then allowed all necessary Disbursements and Expences about the Affairs of the Parish, *Can. 89. 8 Ed. 4. fo. 6.*

In some Cases, Churchwardens are jointly concerned to act with other Officers, or else equally impow'd with them.

First, They are to joyn with Constables, in Apprehending such persons as Disturb Ministers, in levying Forfeitures for Swearing or Cursing; or for killing Hares, Pheasants, or Partridges.

As likewise for Tipling and Drunkenness, Profaning the Sabbath, destroying Fish unlawfully, levying 12 d. for not coming to Church every Sunday, &c.

Also in making Rates for maimed Soldiers or Mariners, and conveying Prisoners to Gaol; seizing Irish Cattle, receiving Rogues

Rogues brought to them and passing them away.

In Choosing Surveyors , and appointing Days for Working in the Highways , &c.

Which things are before set forth in the Office of The Constable.

Secondly , They are to joyn with the *In what* Overseers of the Poor in the Execution of *Acts they* their whole Office , and have an equal *must joyn* Authority and Charge with them therein. *with the* The Particulars whereof are set down in *Overseers* the next Chapter. *of the Poor.*

C H A P. XXV.

Of the Office and Duty of the Overseers of the Poor.

THese Officers are Yearly appointed, *Overseers*, chosen, and made by two or more *how ap-* of the Justices of the Peace of the *pointed.* County, (whereof one must be of the *Quo-* rum) dwelling in or near the Parish for which they are elected.

The Justices therefore are yearly under *Their num-* their Hands and Seals, at *Easter*, or within *ber.* a Month after , to appoint two , three , or more substantial Housekeepers to be Overseers of the Poor ; and if the Justices make default in such Appointment, every Justice

of that Division forfeits 5 l. *Stat. 43 Eliz. cap. 2. Dalton Just. P. fo. 93.*

They are joyn'd to the Church-wardens. These Officers ought to be substantial Persons, having Wealth, Wisdom, and a good Conscience, *Dalt. fo. 93.* and are to be joyned and assistant to the Churchwardens of the Parish, in the Oversight and Ordering of the Poor of the Parish.

Their Allowances to be allow'd by two Justices. And to that end, the Major part of these Overseers and Churchwardens, may (without the rest) do any thing belonging to their Office: Yet nevertheless they ought to have the Allowance of two Justices (whereof one to be of the *Quorum*) to every thing they do.

To meet in the Church once a Month. These Officers of Overseers and Churchwardens, are once a Month to meet in the Church, on Sundays (after Evening Prayer) to consider and advise together of Matters belonging to their Office, and to use their utmost diligence in the executing thereof on the Penalty of 20 s. for every Default; But such as have just cause of Absence allowed of by two Justices, may be excused, *Stat. 43 Eliz. cap. 2.*

Church-wardens Authority equal with theirs. And by this it appears, That the Churchwardens have an equal Power and Charge with the Overseers, and may be punished for their neglect or refusal to meddle, *Dalt. Just. P. fo. 93.*

Their Care of the Poor. These Officers are chiefly to take care of the Poor, either that they Work, or be Relieved if not able; and also to settle them in their Habitations,

Note, There are reckon'd three sorts of *Three sorts*
 Poor People : *of P*

1. Such as are poor by Impotency ; as *Impotent*
 Aged and Decrepit, Blind, Lame, Distracted, *and decre-*
 Lunatick, tender Infants, &c. *pit.*
2. Such as become poor by Casualty ; *Poor by*
 as maimed or disabled in their Bodies , or *Misfortune.*
 Callings , undone by Fire and the like, or
 overcharged with Children.
3. Such as have made themselves poor, *Poor by*
 by Riot, Idleness, Drunkenness, &c. and *Idleness,*
 such as are dissolute Persons, pilfering Va- *&c.*
 gabonds, &c.

As to the first, poor by Impotency , &c. *Full Re-*
 the Overseers are to provide for them, that *lief.*
 they have necessary Relief and Allowances
 proportionable to their Needs.

As to the second sort, poor by Casualty, *Some Work,*
 &c. if these be of ability and strength, *some Relief.*
 they are to be set on Work by the Over-
 seers, and to be further Relieved according
 to their several Necessities.

As to the third sort , they are also to be *Full Work.*
 set on Work at the House of Correction,
 and to maintain themselves by their hard
 Labour , so as they may not be chargeable
 to the Town or Country : Yet in cases of
 manifest Extremity they are to be relieved *Charity.*
 by the Town.

See Dalton Just. P. fo: 100, & 101.

Rich persons to Relieve their poor Relations.

Forfeitures.

Imprisonment.

Overseers erect a Cottage.

To set persons on Work.

To Bind Apprentices.

Again, as to the first sort, poor Impotent persons, not able to work, you must observe, That the Father, Grandfather, Mother, Grandmother, and the Children and Grandchildren (not being Bastards) of such Poor persons, being able, shall relieve such poor Relations in such manner as shall be assess'd at Quarter-Sessions, upon Forfeiture of 20 s. per Month during Refusal, to be levied by these Officers on a Warrant from two Justices (*Quorum unus*) by sale and distress; and Imprisonment for want of Distress. But the Justices can do nothing against one that lives out of their County, *Stat. 43 Eliz. cap. 2.*

Also if a Poor man want a House, the Overseers (by consent of the Lord of the Mannor) may erect a Cottage on the Waste, and lodge Inmates therein, notwithstanding *Stat. 31 Eliz. cap. 7.*

As to the second sort, observe, These Officers are to set to work all such Persons (married or unmarried) as have no Means to maintain themselves, or use no ordinary and daily Trade, to get their Living by; and to set to Work and Bind forth Apprentices, the Children of such whose Parents they shall not think able to keep and maintain them, *Stat. 43 Eliz. cap. 2. Dalton fo. 93, 94, 95. 7 Jac. 3.*

As to the third sort ; If any of them *Idle per-*
appointed to Work, shall refuse so to do, *sons sent*
 or to work for the Wages assessed, any *to the House*
 Justice of Peace may send them to Gaol, of Corre-
 or the House of Correction. *tion.*

And that such Overseers, &c. may be
 enabled to set such People at work ; they
 may with consent of two or more Justices
 (one to be of the *Quorum*) set up, use and *Overseers*
 follow any Trade, Mystery, or Occupation, *may use*
 only for the setting on work and relieving *any Trade*
 the Poor of the Parish or Place, *Dalton*
fo.94. Stat.3 Car.1.cap.4.

These Officers may licence their Poor to *To Licence*
 Beg within their own Parish ; but not in *their Poor*
 the Highway. *to Beg.*

And note, That no Inhabitants ought to
 seave any Poor at their Door, but those of
 their own Parish, and that have such Li-
 cence, upon pain of 10 s. for every time *Penalty.*
 they do so, *Dalton fo.99,126. 39 Eliz. 3.*
Stat.1 Jac.cap.7.

Concerning Rates, and Setling of the Poor.

FOR Enabling these Officers to relieve *To make*
 the helpless Poor, It is Enacted, That *Rates, and*
 they (or the greater part of them) *may how.*
 weekly, or otherwise, raise by Taxation
 upon the Occupiers of Lands, Houses,
 Tithes, Coal-Mines, saleable Underwoods, &c.

in their Parish such Rates as they shall think necessary: Which Rate or Tax must be allowed by two Justices (one to be of the *Quorum*;) by virtue of whose Warrant these Officers may levy the Rates by Distress, on the Goods of such as refuse to pay: And for want of Distress, the party may be committed to Prison till payment, *Stat. 43 Eliz. c. 2. Dalton fo. 97.*

*Distress.
Imprisonment.*

*Who are
chargeable
with these
Rates.*

Note, These Rates ought to be made according to mens Visible Estates, either Real or Personal, within the place only, and not for any Estate they may have elsewhere: And the Tenants and Occupiers are only chargeable, and not the Landlords; except they hold the Land in their own hands, 1 *Bulstr. fo. 354.*

*Lands, how
chargeable.* All Lands are chargeable with these Rates by the Pound, or according to the Value; and an Hundred Pounds in Stock or Goods, at 5 or 6 *l.* a year, and so proportionably.

Relief.

The Quarter Sessions will relieve such as are grieved by these Rates or Taxes.

*As to keeping out of, and Settling
Poor people in the Parish, observe
these things:*

*Forty Days
Settlement,
how to be
accounted.* 1. **T**HAT 40 Days residence quietly in a Parish; is accounted a Legal Settlement by *Stat. 14 Car. 2. cap. 12.* but *Stat. 1 Jac. 2.* which revives the other Statute for 7 years, and to the end of the
next

next Session, directs, That the 40 Days shall be accounted from the time of Notice of their abode (which the Parties are bound to give) in Writing to the Churchwardens, or Overseers.

2. By the Statute 14 Car.2.cap.12. If a *Coming to* Stranger come into a Parish to dwell in a any Tenement, under Ten pounds a Year, *Tenement* and refuse to give Security to discharge *under 10 l.* the Parish; any two Justices (one to be of *per Annum.* the *Quorum*) on Complaint of the Churchwardens or Overseers within the 40 Days, may send him to the place where he was last Legally settled. And such as find themselves grieved, may appeal to the Sessions.

But Note, That any person may go *Going a-* abroad to work in Harvest, or other Em- *broad by* ployment, with a Certificate from the Mi- *Certificate;* nister, one Churchwarden and one Over- *to work* seer, that he is a settled Inhabitant in their *above 40* Parish: And if in such case he fall Impotent, *Days.* after he hath been in a strange Place above 40 Days, he may be return'd to the first Parish; for his stay in the other shall be counted no Settlement.

Persons refusing to go, or not remaining in the Parish where they ought to be settled, may be sent by the Justices to the House of Correction, 14 Car.2.12.

Some Cases about Settlements, &c.

*A Family
illegally
turn'd out
of the Pa-
rish.*

A. Having a Wife and Children, takes a House in the Parish of *B.* for a Year, and in that Year is wrongfully turn'd out of possession, and thereupon takes a House in another Parish; out of which he is also put within two or three Days, and thereby wanting a place to shelter him, gets into a Barn in another place, and there his Wife is Deliver'd of another Child: In this Case its said, they are all to be sent to the Parish, out of which they were first Illegally forced, *Resol. of the Judges, Sect. 24.*

*An Inha-
bitant be-
coming
Vagrant,
how to be
settled.*

One Born at *A.* left that place 10 years, and lived in *B.* taking a House and paying Rent there for two or three years; and afterwards left that place also for six or seven years, and then came to *C.* in another County, and there was 20 weeks at work; but becoming Impotent, did wander and beg, and being taken as a Vagrant, It was ordered, That he should be Pass'd and settled at *A.* where he was Born, 1 *Bulstr. fo. 357.*

*Vagrant
Beggars
sent to the
place of his
Birth.
Others to
the House
of Corre-
ction.*

And here Note also, That no man but a Vagrant Beggar ought to be sent out of any Parish, to the place of his Birth or last Habitation; for if any refuse to work in the Parish where he is settled, or to work for the Wages assess'd, the Justices are to send him to the House of Correction, *Dalt. fo. 126. 39 Eliz. cap. 2. 1 Jac. cap. 7.*

And

And Note also, That if any Disturbance *Disturbing*
 be made to any Settlement, lawfully Or- *a lawfull*
 dered by the Justices, either by the Con- *Settlement.*
 stables refusing to receive and convey a
 Rogue, where they ought to do it: Or by
 the Churchwardens and Overseers of the
 Poor, in refusing such a one as is duly sent
 to be settled there. In such case they forfeit *Forfeiture.*
s.l. by Stat. 29 Eliz. cap. 4.

A. lives in a House at B. with his Chil- *Lives in*
 dren; but works in C. being hired there by *one Town,*
 the Year: In this case its said, his Children *Works in*
 are settled in B. and not in C. in case of *another.*
 A's Death.

If a Woman unmarried be hired in one *Child got*
 Parish, and there got with Child; and then *in one*
 goes into another Parish, and is there set- *place, born*
 tled in Service, or otherwise, for two or three *in another.*
 Months, and then is found with Child, and
 Deliver'd: In this Case, Its said, she and
 her Child shall be settled in this Parish
 where she is, and not be sent to the Pa-
 rish where the Child was begotten, *Resol.*
Judic. Sect. 12.

Concerning Bastard Children.

Observe further, That the two next Ju- *Punishing*
 stices may take order, as well for the *the Mother*
 Punishment of the Mother of a Bastard- *of a Ba-*
 Child; as also to compel her and the re- *stard-Child,*
 puted Father, to save the Parish harmless &c.
 by allowing Money weekly, and may Imprison *him or her,* if that Order be not per-
 formed.

formed. The Justice also (to discover the truth of the Matter) may examine the Mother upon her Oath, concerning the Father of the Child, *Dalt. fo. 37, & 38. 18 Eliz. cap. 3. 7 Jac. cap. 4.*

Bastard If a Woman be Deliver'd of a Bastard-born in one Child in one Parish, and then goes into another Parish, and another Parish with her Child: In this carried into Case the Child, after it is Nursed, is to be another: sent to and settled in the place where it was born, and not to remain with the Mother, *Resol. Judic. Sect. 21.*

Bastard-Child, kept in D, and the reputed Father marries another Woman, and they breed the Child 10 years in the Parish of S. (the Mother of the Child being a single Woman, and Father, how in Service all this while) and then the reputed Father dies: In this Case its said, the Child is to be sent to the Mother first, to be maintained by her, if she be able; and if not, it must be kept by the Parish of S. where it was settled 10 years with the Father, 2 *Bulstr. 390.*

Concerning the Putting forth, and Binding Apprentices.

What poor-Children may be put out Apprentices. **F**OR the doing of this, It must be observed:
First, That they are to be such Peoples Children, whose Parents are unable to maintain them; and to be done with the consent of two Justices, *Stat. 7 Jac. cap. 3.*

Secondly,

Secondly, That the Children so put forth *Of what* ought to be above seven, and under *Age they* fifteen years of Age, when they are first *ought to be* Bound; and they may bind the Man-child *and how* till 24 years of Age, and the Woman child *long to be* till 21 years of Age, or that she shall be *Bound.* married, which shall first happen, 43 *El.* 2.

Dalton fo. 83.

Thirdly, These Officers may (with the *What per-* help of the Justices) compel any man whom *sons may be* they think fit within the Parish, to take a *compell'd* Poor mans Child, with Mony or without, *as to take such* they see occasion, *Resol. Jud. Q. 1.* *Apprenti-*

And if the Master and Officers cannot *ces.* agree, the Justices thereabouts, or in their defaults, the Sessions must end the Matter, *Dalt. fo. 95. Res. Jud. Quest. 2.*

Fourthly, They may put them to Wea- *Tradesmen,* vers, Masons, Dyers, Fullers, or any other *Husband-* Trade, as well as to Husbandry or House- *men, Hou-* wifery: And if all Men that have, or may *wives, Gen-* have use for Servants, whether Knights, *lemen, &c.* Clergymen, Gentlemen, Yeomen, or Trade- men, are bound to take Apprentices: And if they be Rich, though they Table themselves, and alledge that they have no occasion for Servants; yet they may be forced either to take them; or give Mony towards the Placing of them with others: And if they refuse to pay the Sum imposed upon them, two Justices of Peace may make Warrants to levy the same by distress and *Distress.* sale of the Offenders Goods. Or they may Present and Indict such as refuse to take *Indictment,* such Apprentices, at the Assizes or Sessions *of*

of the Peace, Stat. 43 Elix. cap. 2. Dalton
fo. 83, 95. Ref. Jud. Quest. 4.

The Parent of the Children Indicted. So may the Parents of the Children be Indicted, if they (not being able to bring them up honestly) refuse to part with them; or if they shall entice their Children away after they are bound, Dalton Just. P. fo. 78, & 96.

The Children sent to the House of Correction. If the Children shall refuse to go to be Apprentices, when ordered, the Justices may send them to the House of Correction, till they shall be content to be bound, Dalton *ut supra*.

To be Bound by Indenture, and how. Note, these Apprentices must be bound by Indenture; the Indenture to be made between the Justices, Churchwardens and Overseers of the Poor, and the Apprentice of the one part, and the Party that takes the Apprentice on the other part. Or it may be said, to be with the consent of the Justices.

The Form whereof is as followeth:

The Form of the Indenture.

THis Indenture made the First Day of December, in the Third year of the Reign of our Sovereign Lord and Lady, William and Mary by the Grace of GOD, of England, Scotland, France and Ireland, King and Queen, Defenders of the Faith, &c. Annoque Domini, 1691. Witnesseth, That A. B. and C. D. Overseers of the Poor of the Parish of St Giles's in the Fields in the County of Middlesex, and E. F. and G. H. Churchwardens of the same Parish, by and with

with the Consent of J.K. and L.M. Esquires,
two of Their Justices of Peace for the same
County, have placed, and by these presents
do Place and Bind N.O. being

a poor * Fatherless Child, as
an Apprentice with P. Q. of
the said Parish of St. Giles's
in the Fields, Taylor; and as
an Apprentice with him the
said P.Q. to dwell, from the
Day of the Date of these
presents, until he the said N.O.

shall attain the Age of 24 +
Years, according to the Sta-
tute in that case made and
provided: By and during all
which time and term the said

N.O. shall and will faith-
fully serve the said P.Q. his Master, in all
his lawful Business, according to his power,
wit, and ability; and honestly and obedi-
ently in all things shall behave himself to-
ward the said P. Q. his Wife, Children and
Family. And the said P. Q. for his part
promiseth, Covenanteth and agreeth, That
he the said P.Q. the said N.O. in the Art,

Skill, and Mystry of a Tay-
lor ||, shall teach and instruct,
or cause to be taught and in-
structed, the best way and
manner that he can, according
to his knowledge; and also to

find and allow unto his said Apprentice
sufficient Meat, Drink, Washing, Lodging,
Linnen, Wollen, Shoes, Stockings, and all

* Or you may say, Son
or Daughter (of such
an one) unable, by rea-
son of his Age and
great Charge, to bring
up and maintain his
(or her) said Son, or
Daughter, as the case is.

+ If it be a Girl,
you may bind her to
21, or Day of Marri-
age; and a Boy may
be Bound to 24.

|| Or in the Art and
and Skill of Husban-
dry, or Housewifery, as
the case is.

other

other things meet and necessary for such an Apprentice, during all the said Term. In Witness whereof the said Parties to these presents, have to the same interchangeably set their Hands and Seals the Day and Year first above written.

Let the Churchwardens, Overseers, and Apprentice, seal and deliver one part to the Master : And let the Master seal the other part to them.

And it may be the better to get the two Justices to signify their Consent, by Indorsement on the Backside of the Indentures.

Note, that Mayors, Bayliffs, or other Head Officers of Corporate Towns, have in their several Precincts like Authority, as the Justices of Peace have in the Counties, for all the uses and purposes in this Act : And the like hath every Alderman of every Ward in the City of London, Stat. 43 Eliz. cap. 2.

Note, this Placing of Apprentices may be to any Man, or single Woman, or Widow, whom the Officers and Justices think fit to receive them, either to learn a Trade, or Husbandry, or Housewifery.

Such Indentures are safe.

And note, That all such as are bound to the Overseers, &c. as aforesaid, may safely be received and kept as Apprentices, by their Masters or Mistresses, to whom they were so bound, 1 Jac. I. cap. 25, 21 Jac. I. cap. 28. 3 Car. I. cap. 4.

By the *Stat. 7 Jac. 1. cap. 3.* Mony given *How Mony* to put out poor Children Apprentices, is to *given to* be employed by the Corporation, or Parson, *put out* Constables, Churchwardens, and Overseers, *poor Chil-* accordingly; on pain that every of them *dren, shall* forfeit *five Marks.* And the Person that *be employ'd.* takes Mony with such Apprentice, shall give Bond to repay it at seven Years end, or within three Months after: Or, if the *Apprentice* Apprentice dye in the mean time, then *dies.* within one year after his death; and the like of the death of the Master, *Master dies* or Dame, so as the Mony may be employed for putting out others.

If a Master, &c. shall put his Apprentice *Master may* into Apparel, he cannot take it away from *not take* him, though he should afterwards part with *away his* his Apprentice, *Bro. Tresp. 93.* *Apparel.*

And note, that An Apprentice cannot be *How an* discharged from his Apprenticeship, but by *Apprentice* four Justices at the least in open Sessions: *may be dis-* by Agreement in Writing under his Masters *charged* hand, *Dalt. Just. P. fo. 79.* *from his* *Master.*

You may perceive, by what has been said *Overseers* before, that these Officers are to be assist- *to be assist-* ing in some cases to Constables, as for *ing to other* Irish Cattle, &c. which is left to your obser- *Officers.* vation in reading this Treatise.

The Overseers are to receive for the *Fines and* Poores use, the Fines laid upon such as *Forfeitures* with Nets, Snares, or Engins, take and *to be re-* kill Fish, Conies, &c. unlawfully, without the *ceived by* Owners consent, *Stat. 22 & 23 Car. 2. them.* *cap. 25.*

Also a Third part of such as Travel with above five Horses in length. See the next Chapter, & vide *Antea* Chapter for High-Ways.

*Forfeiture
for not Bu-
rying in
Woolen.*

By the *Stat. 30 Car. 2. cap. 3.* upon the Ministers Notice to the Churchwardens or Overseers of the Poor, under his Hand, That no Affidavit is brought to him according to the Statute for Burying in Woolen, they are within eight Days after to repair to the Chief Magistrate of any Town where the Deceased was Buried, else to a Justice of Peace; who upon the Ministers Certificate are to grant a Warrant, to levy the Forfeiture, *viz.* 5 *l.* by distress and sale of the Goods of the Party deceased; or in default thereof, of the persons Goods in whose House the Party died; or the Goods of any that had a hand in putting the Party deceased into any Shroud or Coffin, made or lined, &c. with any thing but Sheeps Wool, contrary to this Act, or that ordered the same: And if such person were a Servant, and died in the Masters Family, the Masters Goods to be liable. And if such person died in the Family of his Parents, then the Parents Goods to be liable: One part of this Forfeiture to the Poor of the Parish, the other to him that will sue for the same.

Note, no Penalty shall be incurr'd where the Parry died of the Plague.

If a Justice be not in the Parish where the Parry shall be Interred, the Affidavit may be administered by any Parson, Vicar or Curate in the same County, other than of
the

the Parish or Chapel of Ease where the Party is Interr'd, and they are to attest the same under their hands gratis, *Stat. 32 Car. 2. cap. 1.*

Officers neglecting their Duty by this *Forfeitures* A^ct, forfeit 5 *l.* for every Offence, to be of *Officers* recovered by Action brought within six Months after the Offence: One fourth part to the King, two to the Poor of the Parish, and one fourth to the Informer, 30 *Car. 2. cap. 3.*

These Officers within four Days after their Year ended, and others chosen, are to make a true Account to two Justices, of what Monies they have Received and Disbursed, what Wares they have in their hands, or in the hands of any of the Poor, what Prentices they have put out, &c. 43 *Elix. 2. Dalson fo. 96.* *Overseers to Accounts.*

And they are also to give an Account at their Sessions, or to any two Justices at their monthly Meetings, of the Name and Quality of every person Interr'd since their former Account; and of the Certificates, and their levying Penalties, and of the disposal thereof, on pain of 5 *l.* to be levied by distress and sale; and their Accounts shall not be allowed till they have accounted for the Burials, 30 *Car. 2. 3.* *Account of Certificates and Burials, &c.*

Upon their last Accounting what is remaining, they shall pay over to the New Overseers; if they refuse to account, the Justices may send them to Gaol; and if after they have accounted, they refuse or fail to pay over the Money in their hands *To pay over the Remainder. Commitment.*

Distress.

to their Successors, the same may be levied on their Goods by distress ; and in default of distress, to be sent to the Gaol, there to remain till payment and delivery of the Arrears and Stock remaining, as aforesaid, *Stat. 43 Eliz. cap. 2. Dalton fo. 96.*

Forfeitures of the Churchwardens and Overseers, for Neglect in their Office.

Note That the Churchwardens and Overseers, for every Default and Negligence in their Office about the Poor, every of them forfeits 20 s. The default to be proved either by Confession or Examination of Witnesses, and is to be levied by the New Churchwardens and Overseers, or one of them, on Warrant by distress and sale ; and for want of Distress, the Offender may be Committed by two Justices to Gaol till payment : The Forfeitures to be employ'd to the use of the Poor of the same Parish, *43 Eliz. cap. 2. Dalton fo. 97.*

CHAP. XXVI.

The Office of a Surveyor of the Highways.

How and for what appointed.

THese Officers are Yearly appointed, to look after the necessary Reparations of the Highways, within the Parish or Precinct for which they are chosen.

Something hath been spoken concerning these Officers in particular, for *London, West-*

Westminster, and the Parishes within the Weekly Bills of Mortality. See before the *Vide antea*. Chapter about the *Streets, Lights, &c.*

But observe further in general, That these *When to be* Officers are to be chosen on *Monday or Chosen.* *Tuesday* in *Easter-Week*, by the Churchwardens, Constables, or Tithingmen, for the time being, with the advice and consent of the major part of the Inhabitants; and they may be Two or more in number, as the largeness of the Parish requires; and, being Chosen, and having Notice thereof given them by the Constables, &c. the next *Sunday* after, they are immediately after such Notice, to take the Office upon them, in pain of forfeiting 20 s. *Stat. 2 & 3 P. & M. cap. 8. 14 Car. 2. cap. 6.*

Note, by the *Stat. 22 Car. 2. 12.* they are to be chosen some Day in *Christmass-Week*, and fix Days Notice.

The Constables and Churchwardens upon *Days set* choosing the Surveyors, are to appoint six *apart for* Days between that and *Midsummer*, to be mending set apart for the mending the Highways, *the High-* and must give publick Notice thereof *be- ways.* fore the several Days, *Stat. 5 Eliz. 13. 22 Car. 2. cap. 12.*

By this last Statute, if they cannot be mended by *Midsummer*, they must be mended before the Feast of *St. Luke*.

These Officers are to take care, that the *How the* Parishioners do their Work on the Days *Parishia-* appointed, according to these Rules; *viz. ners are to* work on
Every these days.

*A Plough-
land, one
Cart and
two Men.*

Every one having a Ploughland (that is, so much as one Plough may plough in a day) in Tillage or Pasture in the Parish, or keeping there a Plough or Team, shall on every of the said Days, bring or send one Wain or Cart fit for Carriage, provided with necessary Tools, with Oxen or Horses, &c. according to the usage of the Country, and two able Men, who are to work as the Surveyors shall appoint, Eight hours a Day, 2 & 3 P. & M. cap. 8.

*Cottager
and La-
bourer.*

Every other Householder, Cottager and Labourer in the Parish, being able to work, and not a Servant hired by the Year, must by himself, or some other able man, work Eight hours 8 Hours at the appointment of the Surveyors on every of the six Days, as aforesaid, 2 & 3 P. & M. cap. 8.

*Subsidy-
men, two
Able men.*

Such as have no Carts, yet being in Subsidy 5 l. in Goods, or 40 s. in Land, or above, must find two able men to work every of the said six Days, 18 Eliz. cap. 10.

*Materials
carried on
Horse-back.*

Where the Usage is to carry Materials for such amendment on Backs of Horses, or by other Carriages, the Inhabitants shall send them in with able Persons to work with them in like manner, and under the like Penalties, as is appointed for Carts and Teams, 22 Car. 2. cap. 12.

If any fail to make their Days labour, or neglect to send their Carriages, &c. the Surveyors shall complain to the next Justices of Peace, who upon Oath thereof by one Witness, may levy by distress and sale of Goods, for every day Labourer

neg-

neglecting (without a reasonable cause) Penalties
 1 s. 6 d. for every Man and Horse 3 s. on a Day
 and for every Cart with two Men, 10 s. Labourer.
 Which Penalties shall be employed for A Man and
 Repairing the Highways in every respec- Horse.
 tive Place and Parish, 22 Car. 1. cap. 12. A Cart and

Note, by the Statute 2 & 3 P. & M. two Men
 the Forfeiture was but 12 d. a man, and Penalties
 10 s. for a Team and Two men; and the levied by
 Penalties to be levied by the Surveyors by Surveyors
 distress and sale, and for their neglect or Constab-
 within one Year to do it, then by the Con- bles.
 stables and Churchwardens.

If the Surveyors shall think any of the Surveyors
 Ploughs or Carts needless, any of the days may com-
 they may spare them, and instead thereof mand Men
 require two able men, who must come upon instead of
 the aforesaid Forfeitures, 2 & 3 P. & Carts.
 M. 8.

If six Days work in the Year will not If six days
 serve to amend the Highways, the Surveyors will not do,
 must appoint more: For if the Highways then to ap-
 be not sufficiently amended, the whole Town point more:
 or Parish may be Indicted for it, and the
 Parishioners are bound to come or send, as
 aforesaid, Dalt. Just. P. fo. 69.

Where the Highways cannot be amended
 before Midsummer, they shall be Repair'd
 before the Feast of S. Luke, 22 Car. 2. 12.

It is said, The Owner of Lands, if he be
 not the Occupier thereof, ought not to be Tenant to
 charged towards the repair of the Com- be charged:
 mon Highways; but the Tenant who oc-
 cupies the Lands is to be charged, Roll's
 Cases 1st part, fo. 390.

Sur-

What things the Surveyors may take from other mens Grounds, without leave. Surveyors may take and carry away so much Rubbish, and small broken Stones already digg'd, out of any mans Quarry within the Parish, without the Owners leave, as they shall think fit; or they may gather loose Stones in any mans Ground; but may not dig for new Stones without leave, nor take great Stones which are already digg'd. But they may dig for Materials in likely or probable places, lying near the place where the Way is decay'd, for Sand, Stones, Gravel,

Exceptions. &c. so as it be not in Houses, Gardens, Orchards, or Meadows, (for in those they may not dig without the Owners leave) nor may they make a Pit above ten Yards in breadth or length; and they must fill it up again at the Charge of the Parish, within a Month, upon pain to forfeit 5 Marks to the Owner of the Ground, to be recovered by Action of Debt, *Stat. 5 Eliz. cap. 13.* They may

Water-course. also by this Statute turn a Water-course, hurtful to the Highway into any mans Ditch.

Forfeitures on such as Trim not their Hedges. Owners of Grounds adjoyning to the Highways, not keeping their Hedges low, and cutting down Trees and Bushes growing over the same, forfeit 10 s. Also they that scour not their Ditches next adjoyning to the Ground that is next the Highway, to the end the Water may have the better Passage out of the Highway, shall forfeit 12 d. for every Rod, *Stat. 18 Eliz. cap. 10.*

Scourings thrown into the Highway. If any person scours his Ditch, and throws the Scourings into the Highway, and suffers it to lye there 6 Months, forfeits 12 d. for every Load, 18 *Eliz. 10.*

These

These Forfeitures upon *Stat. 18 Eliz. 10. Forfeitures*, to be levied by the Surveyors by distress and *how to be* sale; and in their default not to do it within *levied*. a Year, then the Constables and Churchwardens by Warrant may do it.

If the Surveyors neglect to present the *Forfeiture* Offences against *Stat. 2 & 3 P. & M. c. 8. for not pre-* & *5 Eliz. c. 13.* within one Month after they *sending*. shall be committed, forfeit 40 s.

By the *Stat. 22 Car. 2. 12.* they are to *Return of* return the Defaulters within a Month after *Defaulters*. every default to some Justice of Peace, who shall present the same at the next Quarter Sessions.

By the same *Stat. 22 Car. 2. cap. 12.* no *Forfeitures* Carriage with any burthen (other than such of such as are employed about Husbandry, and in Travel carrying Hay, Straw, Corn unthresh'd, Coal, with above Chalk, Timber for Shipping, Materials for 5 Horses Building, Stones or Ammunition, or Artillery for the Kings Service) shall go in any Highway with above 5 Horses in length: And if any draw with more Horses or Oxen, they shall all draw in pairs, except one Horse. Owners of Carriages or Beasts *One Third* offending, shall forfeit 40 s. for every Of- *to the Sur-* fence; one Third to the Surveyors of the *vayors*. Highways in the Town, &c. where committed for the Repair of them; another Third to the Overseers of the Poor of the *Overseers* Parish, where, &c. another Third to him *Third*. that shall discover the same, to be imposed *Discoverers* and levied as the Penalties imposed by this *Third*. Act on Constables and Surveyors, for neglecting to put the Laws in execution.

That

That is to say,

*Fine upon
Surveyors,
&c. for
neglecting
their Office.*

Every Constable or Surveyor of the Highways, neglecting to put the Acts touching Repairing, &c. Highways in execution, or wilfully suffering any Wagons or Carts to pass in any other manner, than by this Act is allowed, shall upon Complaint to a Justice of Peace, by the Oath of one Witness, or View of the Justice himself, be convicted, and incur such Fine as the Justice shall impose, not exceeding 40 s. to be levied by the High-Constable, or other Officer, by Warrant under Hand and Seal of such Justice, to be employed for the mending the Highways of the Parish or place where such neglect shall be, 22 Car. 2. cap. 12.

*Surveyors
Accounts,
&c.*

Lastly observe, That two Justices of Peace by the Stat. 18 Eliz. may take the Accounts of the Surveyors of the Ways; and the petty Constables and Churchwardens, for such Forfeitures (within that Statute) as they have levied, Stat. 18 Eliz. 20. Dalton Just. P. fo. 71.

A N

APPENDIX.

HAVING spoken briefly in the IVth Chapter of the Constables Duty in executing the Justices Warrant, and how the Officer is bound at his peril, to take notice of the Authority and Jurisdiction of the Justices, I will here set down (as an *Appendix* to the former) some further Rules and Precedents touching the nature and effect of Warrants; which may be of good use to our several Officers, for whom this Treatise is intended.

A Warrant, or rather Summons for making a New Constable, &c. to be Sworn before the Justices of the Peace.

This Summons is directed to the Person Elected, or intended to be Elected, thus;

To our Loving Friend A.B. of C. Yeoman.

THese are to require you, to make your repair to us, or some other Justice of the Peace of this County, to take the Oath of a Constable, [or Tithingman] to serve
 H within

within your Town of C. you being Chosen and Ordered by the Lest of your Town, to undertake the same Office. And herein fail you not, as you will answer the contrary, &c.

Or thus ;

WHereas A.B. of your Town, the New Constable thereof, is (by reason of his Age and Impotency) very unable and insufficient to execute the said Place ; These are to require you, whose Names are hereunder written, to be before me at my House at C. to Morrow [or such other time as is convenient] by Ten of the Clock in the Morning, that I may make Choice of one of you to be Sworn, to undertake the said Office. And/hereof, &c. Dated, &c.

Note, this Swearing of Constables, &c. by the Justices, is only in case of necessity, and when 'tis long to the Quarter-Sessions, or Lest.

Concerning
Hand and
Seal to a
Warrant.

And though it may not be necessary for the Justices to put their Seals to these Summons, which are directed to the Parties themselves, not obliging them to act upon any other person or thing ; Yet Note, that there is a necessity that the Justice of Peace do subscribe his Name to his Warrant, commanding an Officer to act upon some other person or thing. Tho' to put his Seal in every case is not required ; for in a Warrant of the Peace, or Good Behaviour it is thought not to be needful, nor where

an Act of Parliament saith, That the Justice by Warrant (or by Warrant under his hand) may do such a thing: But where the Law says, that he may or shall do it by Warrant under his Hand and Seal, there it must be under his Hand and Seal, or it is not good. And it is now usual and most safe for a Justice to put his Seal to every Warrant after this manner, *And hereof fail you not at your perils.*

Given under our Hands and Seals [or Day and my Hand and Seal, as the case may be] Year of this first Day of January, in the Third Year making the of the Reign of King William and Queen Warrant, Mary, Annoque Dom. 1692.

Or thus;

Sealed with our Seals [or Sealed with my Seal] and Dated the first Day of January, in the Third year, &c. Annoque Dom. 1692.

Note, That if the Warrant expresses the place where it was made; as [*Dated at D. and given under my Hand, &c.*] though it was not really Dated there; yet the Warrant is good, and shall be taken to be dated where the Warrant doth say it was dated.

The Rules that have been observed to the completing a Justices Warrant, whereby he Commands an Inferior Officer to do something belonging to his Office, are as follow:

1. 2.

First,

Rules.

First, That the Warrant must be plain and clear, and not ambiguous and doubtful, so that the Officer need not be forced to enquire what the Justice means.

Secondly, That it be compleatly fill'd up, and not left with Blanks in it.

Thirdly, The usual form of the Warrant begins thus :

These are in Their Majesties Names to require you, &c. tho' it is sufficient to say, *These are to require you* ; howbeit the Warrant doth carry the more Majesty in it, when those Words are used in it.

Fourthly, The Title of Direction, may either be above the Warrant thus ;

To the Constable of Dale.

Or in the body of the Warrant thus ;

A. B. Esq; &c. To the Constable of D. Whereas, &c.

Fifthly, The Warrant may be directed to any Officer, as the Sheriff, his Bayliffs, Constables, Tithingmen, &c.

Or, *To the Sheriff, and to all Bailiffs High-Constables of Hundreds, and Constables and Tithingmen of Towns and Parishes within the Countay of A. and every of them joyntly and severally.*

Or, it may be directed to these Officers and to others that are no Officers together.

Or, to them that are no Officers alone thus ;

To A. B. and C. D. both of E. in the County of G. and to either of them.

But this must be understood of Warrants of the Peace, Good Behaviour, and such like
War-

Warrants; wherein the Justice of the Peace is left at liberty, to direct his Warrant to whom he will. For if the Law doth direct him to whom to send his Warrant, (as divers Acts of Parliament do, some of them appointing him to direct his Warrant to the Constables, some to the Constables and Churchwardens, some to the Churchwardens, some to the Constables or Churchwardens, some to the Churchwardens and Overseers of the Poor); in this case the direction of the Statute must be punctually pursued; for it is dangerous to vary from it ever so little.

But where the Justice is left at liberty, to direct it to whom he pleases, it hath been thought the best way to direct it to a common and known Officer; which is the High-Constable of the Hundred, or Constable of the Town, &c.

Sixthly, The Warrant for an Arrest may be, to require the Officer to bring the Offender before the Justice that makes the Warrant, or before him or some other Justice of the County; and either way is good.

Seventhly, In every Warrant of the Peace, or Good Behaviour, where Sureties are to be found, the Warrant ought to contain the special Cause or Matter, that the Party arrested may provide Sureties: But if it be for some great Crime, the cause may be concealed.

Eighthly, In every Warrant to command an Officer to carry a man to Gaol, 'tis usual

usual to insert a Clause to the Gaoler at the end of the Warrant to this purpose: *That you him convey to the Common Gaol of this County, and him deliver to the Gaoler or his Deputy there, who are hereby required him to receive and detain, until he shall from thence be delivered by due course of Law.*

And note that 'tis usual, and a good Close of every Warrant sent to an Officer, to require him to give an account how he hath executed it, in this manner: *And that you be then there with this Precept, to give us an account of your Execution of it. Or thus; That you give me an account within 14 Days next following, of your Execution of my Warrant.*

Ninthly, Note, there is very little difference between a Warrant of Commitment and a Mittimus; for both are to do one thing, and they differ a little only in the Form.

Tenthly, Where a Statute doth give Power to a Justice of Peace, to compel men to do any thing, he may send his Warrant, to require them to come before him; and if they refuse, he may proceed at Law.

Eleventhly, The Justices of the Peace may send their Warrants for any thing that doth relate to a special Sessions, either to compel Appearance or Attendance there, or Execution of any thing there done, under their own Hands, or by the Clerk of the Peace, as the business of the Quarter-Sessions is done.

Twelfthly,

Twelfthly, Observe, That where a Statute is penned thus, that the Constables or Churchwardens (by a Warrant from a Justice of Peace) shall be enabled to do a thing; in this case the Justice may justify the making of such Warrant.

Some Precedents of Warrants.

1. **W**arrants and Precedents relating to the exercise of the Office of a Justice of Peace out of the General Sessions, are of several sorts, viz. They concern either *Treasons, Felonies, Misprisions, Præmunires, Forcible Entries, Forcible Detainers, Riots, Routts, and Unlawful Assemblies, Security of the Peace and Good Behaviour*, or other Misdemeanors or Offences of several sorts.

2. As concerning *Treasons and Felonies upon Information*, made of any Treason or Felony committed, any one Justice of the Peace may direct his Warrant to the Sheriff, or to the High-Constables or Petty-Constables, or to all or any of them to make search for the Traytors or Felons, and also for stoln Goods.

The Form of a Warrant to Apprehend a Traytor.

J G. Esq; One of Their Majesties Justices of the Peace within the County of N. To the Sheriff of the said County, and to all High-Constables, Petty-Constables, and other Their Majesties Officers, Greeting, &c. Whereas L. M. and R. S. are vehemently suspected to

have committed Treason, whereof I have received Information: These are therefore in Their Majesties Names streightly to charge and command you, and every of you, upon sight hereof, without delay, within your severall Bailiwicks, Hundreds, and Constablewicks, to make diligent search for the Bodies of the said L. M. and R. S. and them and either of them so found, to arrest and attach, and immediately upon such arrest, to bring before me at my House at B. in the said County: Whereof fail not at your peril. Sealed with my Seal, and Dated the 7th Day of M. in the Third Year of the Reign of our Sovereign Lord and Lady, William and Mary, King and Queen, &c.

The like Warrant may be made for the apprehension of Felons.

A Warrant for keeping the Peace.

Essex ss. **A.** B. and C. D. Esquires, To the Sheriff of the same County, and to all High-Constables and Petty-Constables, and other Ministers and Officers appointed to keep the Peace within the same County, Greeting. Whereas we are informed, that there is a great Meeting appointed to be had at E. within this County, upon the 1st Day of February next, under pretence of a Fair, then and there to be kept, [or, under pretence of a Cock-fighting to be there had; or, under pretence of a Race to be there Run, and the

the like] when and where, by occasion or under colour thereof, it is suspected there may be some notorious Breach of the Peace, by a Fray, Riot, Insurrection, or otherwise; For the preventing whereof, and the keeping of the Peace, These are to authorize and require you, and every of you, that calling to your Assistance and Aid such a number of Persons as you shall think fit; All which Persons are by us required to assist you, and that you be then there provided during the same Meeting; and by all the lawful ways and means you can, see the publick Peace be kept and preserved, and the Breakers and Disturbers thereof punished: And hereof, and to give us an account of your doings herein, within 14 Days after the same Day be past, you are not to fail at your peril. Given under our Hands and Seals at S. within the same County, the 1st Day of, &c.

Note, That whatever the Justices of the Peace may do, or the Sheriff or Constable ought to do, in order to the keeping of the Peace; the Justices may by such a Warrant as this is command them to do.

A Mittimus for Felony to the Gaol.

Middlesex ss. **A** B. and C. D. Esquires,
two of the Justices &c.
To the Keeper of the Gaol of Newgate, or
his Deputy there being: We send you here-
with the Bodies of E. F. and G. H. charged
H 5 before

before us by J. K. of L. in the County of M. with Robbing him on Monday last, and the taking of Ten Pounds from his Person, which the said E. F. and G. H. upon their Examination confessed.

Note, If the Felon upon Examination confess the Felony, the *Mittimus* must say so; for then he is not bailable.

Or thus;

Who stand charged before us upon the Suspicion of stealing Six Sheep, being the Goods of N. O.

Or thus;

Who is charged before us with a Suspicion of a certain Felony by him committed; as it is said [or otherwise, as the case is.]

Commanding you to receive the same E. F. and G. H. into the said Gaol, and them there safely to keep, until they shall be from thence delivered by due order and course of Law; hereof fail you not at your peril. Given under our Hands and Seals at P. in the said County, the 1st Day, &c.

Note, That in every *Mittimus* care must be had to set down the Offence, and the manner and time of Punishment.

**A Mitimus of a dangerous Rogue to
Bridewel.**

Glouc' ff. **A.** B. and C. D. &c. To the
Master or Governour of
the House of Correction, or his Deputy there.
Whereas J. S. a sturdy Vagrant Beggar,
was this day brought before the Constable
of D. and charged, as well with Begging
and idle Wandring abroad, as also with
other disorderly Behaviour; so as he ap-
peareth to us, to be dangerous to the Infe-
rior sort of People, contrary to the Laws
of the Nation in that case provided.
These are therefore to require you, to receive
the said J. S. into your Custody, and him
safely to keep in your House of Correction
until the next Quarter-Sessions; to be holden
for this County; and that during all the
time he shall continue with you, and be in
his good health, you do hold him to work,
and punish him by putting Fetters and
Gieves upon him, and by moderate Whip-
ping of him; and that you give him no
more for his Maintenance, than what he
shall deserve or earn by his Labour; and
that you have the said J. S. and this Pro-
cept at the said next Quarter-Sessions.

A Passport.

Suffex ff. **A.** B. one of Their Majesties Justi-
ces of the Peace in the County
aforesaid; To all Constables, Bayliffs, and
other

other of Their Majesties Officers of the same County, and to every of them, Greeting. Forasmuch as the Bearer hereof C. D. being brought into great Poverty and Necessity, hath desire to Travel unto the City of E. in the County of F. where he saith he was Born, and hath some Friends yet living, by whose means he hopeth to be greatly relieved: In consideration whereof know you, That I the said A. B. have Licensed the same C. D. to Travel and Pass the direct way from G. into the said City of E. so that his Journy be not of longer or further Continuance than 20 Days next after the Date hereof, desiring you, and every of you, to permit and also to aid and relieve the said C. D. in his Journy, so that he shew himself in no respect offensive to Their Majesties Laws. In Witness whereof I have, &c.

Note, That in such a Passport the Party ought to be described, lest he make any other partaker of the use of his Passport: Unless he be a Rogue, for then he always remains in the Constables hands.

THE TABLE.

CHAP. I.

OF the Definition of the Title CON-
STABLE. Page 1

| | |
|----------------------------------------------------------------------------------|-------|
| When Constables were first appointed. | 2 |
| Of High-Constables. | 3 |
| Of Petty-Constables. | ibid. |
| Constables, when and where to attend. | 6 |
| Of the Choice and Fitness of Constables, and of the Oath to be taken by them. | 7 |
| When and where Constables, &c. may make a Deputy. | 10 |
| The Form of the Constables Oath. | ibid. |

CHAP. II.

OF the several Duties incumbent on
all Constables after they are Sworn,
according to the particular Branches of
their Oath. page 13

| | |
|------------------------|-------|
| The Heads of the Oath. | ibid. |
| | For |

The Table.

| | |
|-----------------------------------------------------------------------------------------|-------|
| <i>For the preventing and preserving the Peace</i> | |
| <i>ex officio.</i> | 15 |
| <i>The Constables Authority about an Affray.</i> | ibid. |
| <i>Of Hurting the Constable, or his Assistant.</i> | 17 |
| <i>Arresting persons Offensively Armed.</i> | 18 |
| <i>Suppressing of Riots.</i> | 19 |
| <i>Apprehending of Felons.</i> | 22 |
| <i>Constables, when and how to raise Hue and Cry.</i> | 23 |
| <i>Hundred fined, for not making Fresh-suit.</i> | 24 |
| <i>Concerning Escapes suffered by the Constables.</i> | 25 |
| <i>Constable sued for suffering a Felon that is in his Custody, to destroy himself.</i> | 26 |
| <i>Where the Constable may discharge the Prisoner.</i> | ibid. |
| <i>Arrests made by Private persons.</i> | 27 |
| <i>Prisoner pinnion'd and fetter'd by the Constable.</i> | ib. |
| <i>How the Constable may deliver up the Prisoner.</i> | ibid. |
| <i>Of Felons taken in another County.</i> | 28 |
| <i>The Constable to see the Watch be duly kept in the Town, &c.</i> | ibid. |
| <i>Watchmen, how to be qualified.</i> | 29 |
| <i>The Constables Duty concerning Rogues, Vagabonds, and sturdy Beggars.</i> | 31 |
| <i>Concerning Gipsies.</i> | ibid. |
| <i>The Punishment of Rogues.</i> | 34 |
| <i>After Whipping to have a Testimonial, and the Form thereof.</i> | 35 |

The Table.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| The Constables Forfeiture, for not apprehending of Rogues. | 39 |
| Reward for Apprehending of Rogues. | ib. |
| Constables may set on work Labourers in Hay or Corn Harvest. | 41 |
| The Constables Form of a Testimonial, for a Servant that departs from his Master. | 42 |
| Orchard-Robbers, Hedge-Breakers, Wood-Stealers, &c. | 44 |
| The Constables Duty concerning Unlawful Gaming-houses. | 46 |
| The repressing of Drunkenness, and profane Swearing, | 47 |
| The Penalties levied, or the Officer forfeits | 48 |
| Penalties upon such as use Unlawful Games and Pastime on Sundays. | 52 |
| Penalties on such as work on the LORD'S-Day. | 54 |
| Against Disturbing Preachers. | 56 |
| Concerning Popish Recusants. | 57 |
| Recusant refusing to take the Oaths. | 58 |
| Concerning Conventiclers. | 59 |
| The Constable may break open the Doors, to search for Conventiclers. | ib. |
| How the Constable shall make Presentment of Bloodshedding, Outcries, Rescues, or other Offences, committed or done against their Majesties Peace within their Limit. | 61 |
| When and where the Constables must make their Presentment. | ib. |
| How the Constables ought to Execute the Justices Warrants. | 62 |
| The Constable not obliged to shew his Warrant. | 64 |

The Table.

| | |
|-------------------------------------------------------------------------------|-------|
| <i>Concerning the Constable taking the Offenders word for his Appearance.</i> | 64 |
| <i>Arresting a wrong Person.</i> | 65 |
| <i>Where the Constable may break Open the House.</i> | 66 |
| <i>Punishment for such as Abuse the Justices Warrant.</i> | ibid. |
| <i>Before what Justice the Offender must be carried.</i> | ib. |
| <i>When Offenders must bear their own Charges of Commitment.</i> | 67 |

C H A P. III.

| | |
|---------------------------------------------------------------|----|
| <i>The Constables Office about Seizing of Arms, &c.</i> | 68 |
| <i>A moving Papists 10 Miles from London and Westminster.</i> | 70 |

C H A P. IV.

| | |
|---------------------------------------------------------------------------------------|-------|
| <i>Concerning the Bayliffs, Constables, Sheriffs, &c. stating their Accounts.</i> | ibid. |
|---------------------------------------------------------------------------------------|-------|

C H A P. V.

| | |
|-------------------------------------------------------|----|
| <i>The Constables Office about Seizing of Cattle.</i> | 71 |
|-------------------------------------------------------|----|

C H A P. VI.

| | |
|-------------------------------------------------------------------------------|----|
| <i>The Constables Office about providing Carriages, &c. for the King.</i> | 73 |
|-------------------------------------------------------------------------------|----|

The Table.

CHAP. VII.

THe Constables Office about Cloth. 75

CHAP. VIII.

THe Constables Office about their Ma^l
jsties Customs 76
Concerning Taxes and Aid-Money. 77.

CHAP. IX.

THe Constables Office about Distress for
Rent, &c. 79

CHAP. X.

THe Constables Office about Excise. 81

CHAP. XI.

THe Constables Duty concerning Fish. 82

CHAP. XII.

ABout French, and other Prohibited
Goods. 83

CHAP. XIII.

ABout Highways, Hay-Carts and Hogs,
Streets and Bridges. 86

Penalty

The Table.

Penalty on Scavengers that neglect their Duty. 92

CHAP. XIV.

Constables Duty concerning Horses. 93

CHAP. XV.

About Hunters and Hunting Dogs. 99

CHAP. XVI.

About Malt. 100

CHAP. XVII.

About Physicians. 101

CHAP. XVIII.

About the Plague. 102

CHAP. XIX.

*Concerning Maimed Souldiers.
Of Quartering Souldiers.* 103
ibid.

CHAP. XX.

About Tobacco. 105

CHAP. XXI.

About Weights and Measures. 106

CHAP.

The Table.

CHAP. XXII.

The Power, &c. of a High-Constable
alone. 108

CHAP. XXIII.

The Duty of Constables of London. 110

Of the Duty and Office of
Churchwardens. 114

CHAP. XXIV.

Churchwardens, how Chosen. *ibid.*

How they may Purchase. *ib.*

About the Seats in the Church. 116

Churchwardens Duty in making Rates. 117

What are accounted Church-Reparations. 118

What are accounted Ornaments. *ibid.*

Concerning Presentments. 119

In what Acts Churchwardens must joyn
with Constables. 120

In what, with Overseers of the Poor. 121

Of the Office and Duty of the
Overseers of the Poor. 121

CHAP. XXV.

Overseers of the Poor, how appointed. *ibid.*

To

The Table

| | |
|---------------------------------------------------------|-------|
| To be assistant to the Churchwardens. | 122 |
| The Overseers Care of the Poor. | ibid. |
| Concerning Rates, and setting the Poor. | 123 |
| Concerning Bastard Children. | 129 |
| Their Duty about Putting forth and Binding Apprentices. | 130 |
| Forfeiture for not Burying in the Buriall. | 136 |
| Overseers of the Account. | 137 |
| Neglect of their Duty. | 138 |

The Office of a Surveyor of the Highways.

C H A P. XXVI.

| | |
|---------------------------------------------------------------------------|-------|
| S urveyors of the Highways, when to be Chosen. | 139 |
| Days set apart for Mending the Highways. | ibid. |
| Penalties levied by Surveyors. | 142 |
| What things the Surveyors may take from other mens Grounds without leave. | 143 |
| Forfeitures of such as Travel with above five Horses at length. | 144 |
| Fine upon the Surveyors for neglect of their Duty. | 145 |
| Surveyors Accounts. | ibid. |

F I N I S.